FEDERAL REGISTER

VOLUME 24 NUMBER 227

Washington, Friday, November 20, 1959

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

Department of State

In Federal Register Document 59–9501, filed November 10, 1959, paragraph (t) *Bureau of International Cultural Relations,* which was added to § 6.302, should be redesignated as paragraph (u).

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F.R. Doc. 59–9844; Filed, Nov. 19, 1959; 8:49 a.m.]

Title 7—AGRICULTURE

Chapter III—Agricultural Research Service, Department of Agriculture

PART 319—FOREIGN QUARANTINE NOTICES

Subpart—Fruits and Vegetables

ADMINISTRATIVE INSTRUCTIONS PRESCRIBING METHOD OF TREATMENT OF IMPORTED YAMS

On September 2, 1959, there was published in the FEDERAL REGISTER (24 F.R. 7107) pursuant to section 4 of the Administrative Procedure Act (5 U.S.C. 1003) a notice of rule making relating to the proposed amendment of administrative instructions appearing as § 319.56–2m in Title 7, Code of Federal Regulations. After due consideration of all relevant matters and pursuant to § 319.56–2, as amended, of the regulations supplemental to the Fruit and Vegetable Quarantine (7 CFR 319.56–2, as amended) under sections 5 and 9 of the Plant Quarantine Act of 1912 (7 U.S.C. 159, 162), the administrative instructions prescribing the method of treatment of imported yams, appearing as 7 CFR 319.56–2m, are hereby amended to read as follows:

§ 319.56–2m Administrative instructions prescribing method of treatment of imported yams.

(a) *Fumigation upon arrival.* Except as otherwise provided in paragraph (b) of this section, approved fumigation with methyl bromide at normal atmospheric pressure, in accordance with the following procedure, upon arrival at the port of entry, is hereby prescribed as a condition of importation under permit under § 319.56–2 for shipments of yams from all foreign countries.

(1) *Ports of entry.* Yams to be offered for entry may be shipped, under permit under § 319.56–2, direct from the country of origin to ports in the United States where approved fumigation facilities are available.

(2) *Approved fumigation.* (i) The approved fumigation shall consist of fumigation with methyl bromide at normal atmospheric pressure, in a fumigation chamber that has been approved for that purpose by the Plant Quarantine Division. The dosage shall be applied at the following rates:

Temperature (° F.)	Dosage (pounds of methyl bromide per 1,000 cubic feet)	Exposure period (hours)
90–96	2.5	4
80–89	3.0	4
70–79	3.5	4

(ii) Yams to be fumigated may be packed in slatted crates or other gas-permeable containers. The fumigation chamber shall not be loaded to more than two-thirds of its capacity. The four-hour exposure period shall begin when all the fumigant has been introduced into the chamber and volatilized. Cubic feet of space shall include the load of yams to be fumigated. The required temperatures apply to both the air and the yams. Good circulation above and below the load shall be provided as soon as the yams are loaded in the chamber and shall continue during the full period of fumigation and until the yams

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CODIFICATION GUIDE

A numerical list of the parts of the Code of Federal Regulations affected by documents published in this issue. Proposed rules, as opposed to final actions, are identified as such.

A Cumulative Codification Guide covering the current month appears at the end of each issue beginning with the second issue of the month.

have been removed to a well-ventilated location. Fumigation of yams below the minimum temperature prescribed in the fumigation schedule may result in injury to the yams and should be avoided. Yams are sensitive to bruising and should be carefully packed to prevent this. At the same time they should be given as much aeration as possible.

(3) *Other conditions.* (i) Inspectors of the Plant Quarantine Division will supervise the fumigation of yams and will specify such safeguards as may be necessary for their handling and transportation before and after fumigation, if, in the opinion of the inspector, this is necessary to assure there will be no pest risk associated with the importation and treatment. Final release of the yams for entry into the United States will be conditioned upon compliance with the specified safeguards.

(ii) Supervision of approved fumigation chambers will, if practicable, be carried on as a part of normal port inspection activities. When so available such supervision will be furnished without cost to the owner of the yams or his representative.

(4) *Costs.* All costs of treatment and required safeguards and supervision, other than the services of the supervising inspector during regularly assigned hours of duty and at the usual place of duty, shall be borne by the owner of the yams, or his representative.

(5) *Department not responsible for damage.* While the prescribed treatment is judged from experimental tests to be safe for use with yams, the Department assumes no responsibility for any damage sustained through or in the course of treatment or because of pretreatment or posttreatment safeguards.

(b) *Alternate procedures.* (1) Yams produced in Japan and offered for entry under a permit issued in accordance with § 319.56–2 shall be subject to examination by an inspector at the port of entry. If this examination shows the yams to be free of plant pests, they may be imported without the fumigation required by paragraph (a) of this section.

(2) Yams produced in Cuba, if satisfactorily treated in Cuba and otherwise handled and certified as provided in this subparagraph will be eligible for entry under permit under § 319.56–2.

(i) *Approved fumigation.* The yams shall be fumigated at approved plants in Cuba in accordance with paragraph (a) (2) of this section.

(ii) *Approval of fumigation plants; costs of supervision.* Fumigation in Cuba will be contingent upon the availability of a fumigation plant, approved by the Director of the Plant Quarantine Division, to apply the treatment prescribed in paragraph (a) (2) of this section and upon the availability of qualified personnel for assignment to approve the plant and to supervise the treatment and posttreatment handling of the yams in Cuba. Those in interest must make advance arrangements for approval of the fumigation plant and for supervision, and furnish the Director of the Plant Quarantine Division with acceptable assurances that they will provide, without cost to the United States Department of Agriculture, for all transportation, per diem, and other incidental expenses of such personnel and compensation for such personnel for their services in excess of 40 hours weekly, in connection with such approval and supervision, according to the rates established for the payment of inspectors of the Plant Quarantine Division.

(iii) *Supervision of fumigation and subsequent handling.* The fumigation prescribed in this paragraph and the subsequent handling of the yams so fumigated must be under the supervision of a representative of the Plant Quarantine Division. The treated yams must be safeguarded against insect infestation during the period prior to shipment from Cuba, in a manner required by such representative.

(iv) *Certification.* Yams will be certified by a representative of the Plant Quarantine Division in Cuba for entry into the United States upon the basis of treatment under this subparagraph and compliance with the posttreatment safeguard requirements imposed by such representative. The final release of the yams for entry into the United States will be conditioned upon compliance with such requirements and upon satisfactory inspection on arrival to determine efficacy of treatment.

(v) *Costs.* All costs incident to fumigation, including those for construction, equipping, maintaining and operating fumigation plants and facilities, and carrying out requirements of posttreatment safeguards, and all costs as indicated in subdivision (ii) of this subparagraph incident to plant approval and supervision of treatment and subsequent handling of the yams in Cuba shall be borne by the owner of the yams or his representative.

(vi) *Department not responsible for damage.* The treatment prescribed in paragraph (a) (2) of this section is judged from experimental tests to be safe for use with yams. However, the Department assumes no responsibility for any damage sustained through or in the course of treatment, or because of posttreatment safeguards.

(vii) *Ports of entry.* Yams to be offered for entry in accordance with the alternate procedure provided for in this subparagraph may be entered under permit under § 319.56–2 at any United States port where an inspector is stationed.

(viii) *Ineligible shipments.* Any shipments of yams produced in Cuba that are not eligible for certification under the alternate procedure provided for in this subparagraph may enter only upon compliance with paragraph (a) of this section.

(Sec. 9, 37 Stat. 318; 7 U.S.C. 162. Interprets or applies sec. 5, 37 Stat. 316; 7 U.S.C. 159; 19 F.R. 74, as amended; 7 CFR 319.56–2, as amended)

These amended administrative instructions shall become effective November 20, 1959.

This amendment extends to all countries the privilege of shipping yams to the United States under permit subject to fumigation at the port of entry. Previously this privilege was limited to yams from the West Indies. A further exception is made in respect to yam importations from Japan, since there are no yam pests of plant quarantine significance known to exist in that country. Unless inspection of such imports from Japan indicates their infestation or infection with important plant pests, the yams will be eligible for importation without fumigation.

Since these administrative instructions relieve restrictions, they are within the exception in section 4(c) of the Administrative Procedure Act (5 U.S.C. 1003 (c)) and may properly be made effective less than 30 days after their publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 17th day of November 1959.

[SEAL] E. P. REAGAN,
Director,
Plant Quarantine Division.

[F.R. Doc. 59–9829; Filed, Nov. 19, 1959; 8:48 a.m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

PART 914—HANDLING OF NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Quantity of Oranges Comprising a Carload

Notice was published in the FEDERAL REGISTER issue of November 3, 1959 (24 F.R. 8935), that the Department was giving consideration to a proposed amendment to the rules and regulations (7 CFR Part 914.100 et seq.; Subpart—Rules and Regulations) currently in effect pursuant to the amended marketing agreement and Order No. 14, as amended (7 CFR Part 914), regulating the handling of Navel oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

After consideration of all relevant matter presented, including the proposal set forth in the aforesaid notice, which was submitted by the Navel Orange Administrative Committee (established pursuant to the said marketing agreement and order as the agency to administer the provisions thereof), it is hereby found that the amendment, as hereinafter set forth, of the said rules and regulations is in accordance with the provisions of the said marketing agreement and order and will tend to effectuate the declared purposes of the Agricultural Marketing Agreement Act of 1937, as amended. Such amendment is hereby approved; and the said rules and regulations are hereby amended as follows:

1. Add the following new paragraph to § 914.100:

(e) Pursuant to § 914.17, the quantity of oranges comprising a carload, as such term is therein defined, is hereby increased from a quantity of oranges equivalent to 924 cartons of oranges to a quantity of oranges equivalent to 1,000 cartons of oranges.

The provisions hereof shall become effective 30 days after publication in the FEDERAL REGISTER.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: November 17, 1959.

G. R. GRANGE,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 59–9845; Filed, Nov. 19, 1959; 8:50 a.m.]

PART 959—IRISH POTATOES GROWN IN MODOC AND SISKIYOU COUNTIES IN CALIFORNIA AND IN ALL COUNTIES IN OREGON EXCEPT MALHEUR COUNTY

Approval of Expenses and Rate of Assessment

Notice of rule making regarding proposed expenses and rate of assessment, to be made effective under Marketing Agreement No. 114, as amended, and Order No. 59, as amended (7 CFR Part 959), regulating the handling of Irish potatoes grown in Modoc and Siskiyou Counties in California and in all counties in Oregon except Malheur County, was published in the FEDERAL REGISTER October 28, 1959 (24 F.R. 8741). This regulatory program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The notice afforded interested persons an opportunity to file data, views, or arguments pertaining thereto not later than 15 days after publication in the FEDERAL REGISTER. None was filed.

After consideration of all relevant matters presented, including the proposals set forth in the aforesaid notice, which proposals were adopted and submitted for approval by the Oregon-California Potato Committee, established pursuant to said amended marketing agreement and order, it is hereby found and determined that:

§ 959.212 Expenses and rate of assessment.

(a) The reasonable expenses that are likely to be incurred by the Oregon-California Potato Committee, established pursuant to Marketing Agreement No. 114, as amended, and this part, to enable such committee to perform its functions pursuant to the provisions of aforesaid amended marketing agreement and order, during the fiscal period beginning July 1, 1959, and ending June 30, 1960, will amount to $20,275.00.

(b) The rate of assessment to be paid by each handler, pursuant to Marketing Agreement No. 114, as amended, and this part, shall be three-eighths cent ($0.00375) per hundredweight of potatoes handled by him as the first handler thereof during said fiscal period.

(c) The terms used in this section shall have the same meaning as when used in said marketing agreement, as amended, and this part.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: November 17, 1959, to become effective 30 days after publication in the FEDERAL REGISTER.

G. R. GRANGE,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 59–9828; Filed, Nov. 19, 1959; 8:48 a.m.]

Title 6—AGRICULTURAL CREDIT

Chapter III—Farmers Home Administration, Department of Agriculture

SUBCHAPTER B—FARM OWNERSHIP LOANS

[FHA Instruction 428.1]

PART 331—POLICIES AND AUTHORITIES

Average Values of Farms; Mississippi

On November 5, 1959, for the purposes of Title I of the Bankhead-Jones Farm Tenant Act, as amended, the average values of efficient family-type farm management units for the counties identified below were determined to be as herein set forth. The average values heretofore established for said counties, which appear in the tabulations of average values under § 331.17, are hereby superseded by the average values set forth below for said counties.

MISSISSIPPI

County	Average value	County	Average value
Adams	$30,000	Leflore	$40,000
Alcorn	30,000	Lincoln	30,000
Amite	30,000	Lowndes	30,000
Attala	30,000	Madison	30,000
Benton	30,000	Marion	30,000
Bolivar	40,000	Marshall	30,000
Calhoun	30,000	Monroe	30,000
Carroll	40,000	Montgomery	30,000
Chickasaw	30,000	Neshoba	30,000
Choctaw	30,000	Newton	30,000
Claiborne	30,000	Noxubee	30,000
Clarke	30,000	Oktibbeha	30,000
Clay	30,000	Panola	40,000
Coahoma	40,000	Pearl River	30,000
Copiah	30,000	Perry	30,000
Covington	30,000	Pike	30,000
De Soto	30,000	Pontotoc	30,000
Forrest	30,000	Prentiss	30,000
Franklin	30,000	Quitman	40,000
George	30,000	Rankin	30,000
Greene	30,000	Scott	30,000
Grenada	30,000	Sharkey	40,000
Hancock	30,000	Simpson	30,000
Harrison	30,000	Smith	30,000
Hinds	30,000	Stone	30,000
Holmes	40,000	Sunflower	40,000
Humphreys	40,000	Tallahatchie	40,000
Issaquena	40,000	Tate	30,000
Itawamba	30,000	Tippah	30,000
Jackson	30,000	Tishomingo	30,000
Jasper	30,000	Tunica	40,000
Jefferson	30,000	Union	30,000
Jefferson Davis	30,000	Walthall	30,000
Jones	30,000	Warren	40,000
Kemper	30,000	Washington	40,000
Lafayette	30,000	Wayne	30,000
Lamar	30,000	Webster	30,000
Lauderdale	30,000	Wilkinson	30,000
Lawrence	30,000	Winston	30,000
Leake	30,000	Yalobusha	30,000
Lee	30,000	Yazoo	40,000

(Sec. 41, 50 Stat. 528, as amended; 7 U.S.C. 1015; Order of Acting Sec. of Agric., 19 F.R. 74, 22 F.R. 8188)

Dated: November 16, 1959.

K. H. HANSEN,
Administrator, Farmers Home Administration.

[F.R. Doc. 59–9847; Filed, Nov. 19, 1959; 8:50 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

[Reg. Docket No. 180; Amdt. 20–12]

PART 20—PILOT AND INSTRUCTOR CERTIFICATES

Knowledge, Experience, and Skill Requirements for Private and Commercial Certificates

The adequacy of the knowledge, experience, and skill requirements prescribed for applicants seeking private and commercial pilot certificates has been under evaluation since February 1958, when the Civil Aeronautics Board published and circulated Civil Air Regulations Draft Release No. 58–2 proposing certain amendments to those requirements. Industry comment was requested by April 18, 1958, and the time for submission of comment was later extended to July 15, 1958. The proposed amendments were not acted on by the Board prior to December 31, 1958. The Federal Aviation Agency has continued active consideration of the adequacy of the present requirements of Part 20 and has considered the amendments proposed by Draft Release 58–2 and the industry comment submitted in connection with the release.

We find that Part 20 should be amended to require:

1. Dual instruction in the basic control of the airplane by reference to instruments in the private pilot aeronautical experience requirements, and inclusion in the skill requirements of a demonstration of emergency capability in attitude control simulating loss of visual reference during flight operations.

2. A minimum of 10 hours of instrument flight instruction in the aeronautical experience requirements for the commercial pilot.

3. Inclusion of a demonstration of ability to control the aircraft solely by reference to instruments in the commercial pilot skill test requirements.

4. Familiarity with and a demonstration of the use of radio for communications and navigation in the cross-country requirements for private and commercial pilots.

5. A demonstration of cross-country planned flight in the skill test required for commercial pilots.

Draft Release 58–2 proposed an increase of flight experience from 40 to 50 hours for the private pilot applicant. The comment received showed strong objection to a 10-hour increase, but general agreement with the benefits of some instrument training for the private pilot. Recent research conducted in primary flight training at West Virginia University has demonstrated that students who learn to observe and use flight instruments from the beginning of their flight training are much more proficient in holding attitude, altitude, headings and airspeeds in normal VFR flight. Early training develops a keener appreciation

of the conditions which must be avoided to prevent involvement with IFR situations and the realization that only a fully trained and qualified instrument pilot should attempt flight under instrument weather conditions. Further, the trainee is provided with the incentive to secure additional training leading to qualification as an instrument-rated pilot.

Flight training which included the early and integrated use of instruments throughout the course did not appreciably increase the total hours required for private pilot certification and consistently produced more competent applicants than those without benefit of such integrated instrument training.

After consideration of all these factors it is felt that no additional mandatory increase in minimum flight experience for the private pilot applicant should be made. Rather, it is left to the individual ability of the student and his instructor to meet the performance standards set forth in this regulation as aeronautical skill requirements. It is believed that the use of a qualified instrument trained flight instructor will prove economical in the saving of flight time required of the average student to meet these performance standards, although this regulation imposes only the requirement that the instructor be the holder of a current Flight Instructor Certificate.

In contrast with the record of no appreciable increase in the total hours of flight instruction required for producing a better private pilot applicant at the West Virginia University research course, a recent survey of several hundred records chosen at random from Federal Aviation Agency files revealed that the average flight time required by the private pilot applicant under present requirements exceeded 60 hours. This is 25 hours above the approved school minimum and 20 hours above the nonapproved school applicant. Federal Aviation Agency records show that about ½ of the active flight instructors now hold instrument ratings and it is urged that operators and students alike make full use of these rated instructors as first choice for their training program.

The number of fatal accidents clearly indicates the need for higher private pilot qualifications. During 1958, private pilots were involved in a total of 272 major accidents in which 345 pilots and passengers were killed and 155 seriously injured. Of these accidents, 120 or 44 percent resulted from inability to cope with emergencies which developed primarily en route, such as becoming lost, loss of control in instrument conditions, and collision with objects in reduced visibility. A total of 125 or 46 percent resulted from fundamental weaknesses in pilot judgment or technique such as stall/spin due to inadequate speed control, attempting operation beyond the pilot's or aircraft's capability, inadequate or no preflight planning or preparation, and exhausting or mismanaging fuel.

We find current trends in general aviation are rapidly bringing about significant changes in the use of airplanes. The performance characteristics and equipment of many aircraft now in production permit flights of considerable distance in a matter of a few hours. This desirable feature in itself brings about exposure to variable and unanticipated visibility conditions. Present navigational equipment makes possible and even encourages continuation of flight under conditions of deteriorating weather, approaching darkness, or on top of an overcast. Also, many of today's airplanes are equipped with instruments which will permit attitude control without reference to the ground provided the pilot has been trained to use them. By contrast, general aviation in the past has been characterized generally by local or medium distance flights during which constant weather conditions usually prevailed.

In consideration of these advantages, the flight test for a private pilot certificate is being revised to require a demonstration of ability to control the attitude of an airplane in flight solely by reference to instruments. The training to meet these standards will be integrated with the student's other primary dual instruction and is not to be given as a separate block of instrument flight instruction. Emphasis given in the instrument training shall be toward development of a better trained and more proficient pilot by providing additional tools and teaching their proper use. Many persons opposed this requirement based on the erroneous opinion that each aircraft utilized would require the same full instrumentation necessary for IFR operations prescribed by Part 43 of the Civil Air Regulations. An artificial horizon is desirable; however, for the purpose of providing this instruction, the only required additional instruments over those prescribed for VFR operations by Part 43 is a turn and bank indicator and sensitive altimeter. The turn indicator may be driven electrically or by vacuum derived from a motor-driven or venturi installation. The extended visor cap is recommended as a means of simulating instrument flight conditions. This method permits the flight instructor to better observe and avoid other traffic.

Section 20.44(d) presently provides for 10 hours of instrument flight experience for the commercial pilot applicant but only as an alternative to not having his certificate endorsed to state that fact. This amendment eliminates this provision and makes the 10 hours of instrument flight experience a required standard for the issuance of a commercial pilot certificate. Provision is made for the reissuance of a certificate without endorsement to the holder of a currently endorsed certificate upon showing evidence of having met the instrument flight experience requirements of this amendment. Since there are no operating restrictions issued in connection with the endorsement, it is meaningless except that a certificate so endorsed may not be valid for use in foreign countries because it does not meet the commercial pilot standards prescribed by Annex I of the International Civil Aviation Organization (ICAO). Adoption of this amendment will permit the United States to notify ICAO that our certification standards for the commercial pilot meet this international standard.

The principal reason for the adoption of the 10 hours of flight experience and demonstration of skill stems from the fact a commercial pilot has the privilege of piloting aircraft for hire. During cross-country flight he may encounter unanticipated adverse weather conditions, particularly at night, and he should be able to control the attitude of the airplane by reference to instruments and to cope with reduced visibility conditions in piloting the airplane out of such areas. Therefore, 10 hours of instrument flight experience and a demonstration of ability to control an airplane in flight solely by reference to instruments is being required for the commercial pilot applicant.

It should be clearly understood that the instrument training and demonstration of basic instrument flight capability required by this amendment for private and commercial pilot applicants convey no instrument flying privileges. To engage in instrument operations, the pilot must hold an instrument rating and the airplane must be equipped for IFR operations as prescribed by Part 43 of the Civil Air Regulations.

The changes included in this amendment constitute part of our safety program designed to improve the competence of the student, private, and commercial pilot. Additional revisions of the Civil Air Regulations to further implement this safety program are under consideration and if adoption is found desirable, will be circulated for industry comment. It is to be noted the amendments herewith adopted will come into effect 4 months after the adoption date. This period has been provided to permit pilots now in training ample opportunity to be certificated under the present requirements if desired.

In consideration of the foregoing, and and since the changes included in this amendment substantively agree with those published as a notice of proposed rule making in the FEDERAL REGISTER (23 F.R. 1014), Part 20 of the Civil Air Regulations (14 CFR Part 20) is hereby amended as follows, effective March 16, 1960:

1. By amending § 20.24(b) to read as follows:

§ 20.24 Flight area limitations.

* * * * *

(b) He has received dual instruction in:

(1) Crosswind and simulated soft-field takeoffs and landings;

(2) Climbing and gliding turns at minimum safe speeds;

(3) Cross-country navigation by reference to aeronautical charts;

(4) Safe operating procedures in simulated emergencies such as engine failure, loss of flying speed, marginal visibility, deteriorating weather, getting lost, and similar critical situations;

(5) Conforming with air traffic control instructions by radio and lights; and

(6) The proper use of two-way radio communications, VFR navigation procedures and techniques: *Provided,* That

in areas where ground electronic communication equipment and navigational aids are not available within 100 miles of the base of operation, a synthetic trainer may be used for training in air traffic procedures, phraseology, and radio navigation; and

2. By amending § 20.33(b) to read as follows:

§ 20.33 Aeronautical knowledge.

* * * * *

(b) The practical aspects of cross-country flying, including flight planning, map reading, pilotage, radio communication procedures, radio navigation, and emerency procedures.

3. By amending § 20.34 by redesignating the present paragraph (d) as paragraph (e), and by inserting a new paragraph (d) to read as follows:

§ 20.34 Aeronautical experience.

* * * * *

(d) Dual instruction in the control of an airplane solely by reference to instruments, given by the holder of a flight instructor certificate with an airplane rating. The airplane shall be equipped with at least a sensitive altimeter, turn and bank indicator, and a means for simulating instrument flight conditions. This instruction by reference to instruments shall be integrated with the dual flight instruction in primary flight maneuvers given before and after solo; and

4. In § 20.35, by amending paragraph (b), and inserting a new paragraph (g), as follows:

§ 20.35 Aeronautical skill.

* * * * *

(b) Planning of a VFR cross-country flight to a specified destination, reckoning with weather conditions, fuel requirements, check points, estimated time of arrival, available alternate airports, radio communication and navigation procedures, air traffic control procedures, and accomplishing such portion of the planned flight, including change of course to an alternate airport, and execution of emergency procedures, as are necessary to demonstrate proficiency in cross-country flying;

* * * * *

(g) Demonstrate in simulated instrument flight to an FAA Inspector or a designated flight examiner with an instrument rating ability to safely control an aircraft manually by sole reference to the aircraft flight instruments. This demonstration shall include manual control in the following:

(1) Recovery from the start of a power-on spiral;

(2) Recovery from the approach to a climbing stall;

(3) Normal turns of 180° duration left and right to within ±20° of proper 180° heading;

(4) Shallow climbing turns to a predetermined altitude;

(5) Shallow descending turns at reduced power to a predetermined altitude; and

(6) Straight and level flight.

NOTE: The basic criteria for a satisfactory demonstration shall be safe and positive manual control, not precision in speed, altitude, and direction control. Nevertheless, unsafe or unsure control of airspeed, erratic loss or gain of altitude or consistent failure to maintain the general direction of flight shall be disqualifying. The intent of this added aeronautical experience and skill is basically as follows: This student or applicant has just flown suddenly into worsening weather conditions which make further control of the aircraft by visual reference to the ground unsafe or unlikely. He allows the aircraft to assume an attitude that, if continued, would result in a probable uncontrollable maneuver. Can he recover from this position safely and then turn back in the proper direction where known pilotage weather conditions exist, while at the same time adjusting and maintaining altitude control that will clear safely terrain and other obstructions. If he can do this consistently, with positive and safe control, he is a much safer private pilot. It is important, however, that all through the course of instruction, the student has stressed to him the danger of operating into weather flight conditions described above and that this minimum ability can be fatal if proper respect is not maintained by him.

5. By amending § 20.43(a) and (b) to read as follows:

§ 20.43 Aeronautical knowledge.

* * * * *

(a) Meteorology, including recognition of basic weather conditions and trends, and the acquisition and use of weather information disseminated by the U.S. Weather Bureau such as hourly sequence reports, terminal forecasts, winds aloft reports, and reading and interpreting weather maps;

(b) Navigation, including pilotage, dead reckoning, the use of instruments and radio aids to navigation, proper radio frequency utilization, radiotelephone procedures and techniques, flight planning, emergency procedures, preflight and inflight services for pilots, and notices to airmen;

6. By amending § 20.44 (b), (c), and (d) to read as follows:

§ 20.44 Aeronautical experience.

* * * * *

(b) 100 hours as pilot in command, including:

(1) 50 hours of cross-country, each flight including a landing more than 25 miles from the point of departure;

(2) Takeoffs and landings from at least 2 different airports in accordance with two-way radio instructions from an airport traffic control tower; and

(3) One cross-country flight of at least 350 miles, including landings at 3 points, one of which must be not less than 150 miles from the point of departure;

(c) 10 hours of dual instruction in airplanes in preparation for the commercial pilot flight test. Such dual instruction shall have been acquired within the 6 months preceding the commercial pilot flight test; and

(d) 10 hours of instruction in the operation of an airplane in flight solely by reference to instruments, which shall include not less than 5 hours of dual instrument instruction, given by a rated instrument flight instructor. The remaining 5 hours may be given by the holder of a flight instructor certificate with an airplane rating.

NOTE: The holder of a commercial pilot certificate bearing an endorsement that he did not meet the required 10 hours of instrument flight experience may have such endorsement removed upon presentation of reliable documentary evidence showing that he has met the 10 hours of required flight instruction and has successfully accomplished the skill test required by § 20.45(e).

7. By amending § 20.45 by inserting new paragraphs (e), (f), and (g) to read as follows:

§ 20.45 Aeronautical skill.

* * * * *

(e) Demonstrate in simulated instrument flight to an FAA Inspector or a designated flight examiner with an instrument rating ability to safely control an aircraft manually by sole reference to the aircraft flight instruments. This demonstration shall include manual control in the following:

(1) Recovery from a well-developed power-on moderate turn spiral in a medium banked attitude.

(2) Recovery from a high-angle climb in a turn.

NOTE: High-angle climb is one that if allowed to continue another 30 seconds at cruising power would result in stalling the aircraft.

(3) Standard rate turns of 180° and 360° duration to within ±10° and ±20°, respectively, of proper heading, and within ±150 feet of altitude.

(4) Maximum safe performance climbing turns of 180° duration followed by continued straight climb to predetermined altitude requiring not less than one minute straight climb performed within ±10 knots of airspeed and ±10° of proper heading.

(5) Two consecutive descending 90° turns using normal approach power for reducing altitude performed within ±10 knots of airspeed and ±10° of proper heading. At completion of first 90° turn continue straight descent for 1 minute. Complete second 90° descending turn and continue straight descent for 1½ minutes.

NOTE: This maneuver can be used to simulate a safe but not precise low approach (1000') to an airport, with the instructor acting as radar advisory control.

(6) Straight and level flight performed within ±10° of proper heading, 100 feet of altitude and 10 knots of airspeed.

NOTE: Safe and positive manual control, not precision, is the basic criteria for a satisfactory demonstration but the commercial pilot applicant must maintain control of the aircraft within the prescribed limits of heading, altitude, and airspeed.

(f) Planning a cross-country flight to a specified destination reckoning with weather conditions and forecasts, winds aloft information, airport and radio navigational facilities; pertinent aircraft characteristics, range, and performance; and use of appropriate charts.

(g) Cross-country flying using pilotage, dead reckoning, and radio aids for navigation, including change of course to an alternate airport, coping with simulated in-flight emergencies, and the use of radio for two-way communications with appropriate ground radio facilities.

§§ 20.35, 20.45 [Amendment]

8. By adding a note at the end of §§ 20.35 and 20.45 to read as follows:

NOTE: Detailed information on present flight test procedures and standards are contained in Flight Operation and Airworthiness Release No. 420. Revision of the information in this release will be issued as F.A.A. Bureau of Flight Standards Flight Test Guides and will contain appropriate supplemental information concerning the maneuvers required by these amendments. These flight test guides may be purchased from the Superintendent of Documents, Government Printing Office, Washington 25, D.C.

(Secs. 313(a), 601, 602, 72 Stat. 752, 775, 779, 780; 49 U.S.C. 1354, 1421, 1422)

Issued in Washington, D.C., on November 16, 1959.

JAMES T. PYLE,
Acting Administrator.

[F.R. Doc. 59-9807; Filed, Nov. 19, 1959; 8:45 a.m.]

[Reg. Docket No. 181; Amdt. 42-22]

PART 42—IRREGULAR AIR CARRIER AND OFF-ROUTE RULES

Pilot Training and Check Program

Section 42.40(a) contains a proviso which states that the provisions of §§ 42.44(a) and 42.45 shall not be applicable to pilots who for the previous six months have been continuously in the employ and participating regularly in the training program of an air carrier which has established pilot training and check procedures in accordance with the requirements of Part 40 or 41 of the Civil Air Regulations.

This proviso was adopted in 1954 as Amendment 42-27 (19 F.R. 5883). As stated in the preamble to that amendment, the purpose of the amendment was to provide that pilots of scheduled air carriers conducting charter flights and special services under the provisions of Part 42 would not have to meet the training and check requirements of Part 42 in order to operate under the operating rules of that part if they were participating in the established training and check procedures required by Part 40 or 41.

This proviso sought to eliminate unnecessary duplication of training and facilitate the administration of airman training programs on the part of the scheduled air carriers for those pilots engaged alternately in scheduled flights or charter flights and special services. It was not intended to affect those pilots operating solely in accordance with Part 42. However, it appears that some Part 42 supplemental air carriers have interpreted § 42.40(a) to mean that they may hire pilots formerly with scheduled air carriers and utilize such pilots even though the pilots have not met the provisions of §§ 42.44(a) and 42.45, so long as such pilots had been continuously in the employ and had participated regularly in the established training and checking program of the scheduled air carrier. Since this was not the intent of § 42.40(a), this amendment clarifies the application of that section by expressly stating that the proviso contained in that section is applicable only to pilots of scheduled air carriers who also operate, while employed by such air carriers, under the provisions of Part 42.

Inasmuch as this amendment is a clarification of the application of the present requirements and is necessary for safety in air transportation, I find that good cause exists for making this amendment effective on publication in the FEDERAL REGISTER.

In consideration of the foregoing, paragraph (a) of § 42.40 of Part 42 of the Civil Air Regulations (14 CFR Part 42) is hereby amended to read as follows:

§ 42.40 Airman requirements.

(a) No air carrier shall utilize an individual as an airman unless he has met the appropriate requirements of the Civil Air Regulations: *Provided,* That in the case of an air carrier holding a scheduled air carrier operating certificate and conducting operations in accordance with § 42.0(a) or (b), the provisions of §§ 42.44(a) and 42.45 shall not be applicable to pilots who for the previous six months have been continuously in the employ and participating regularly in the training program and established pilot training and check procedures of such air carrier and who are otherwise qualified in accordance with the requirements of Part 40 or Part 41 of this chapter.

This amendment shall become effective on the date of its publication in the FEDERAL REGISTER.

(Secs. 313(a), 601, 604, 72 Stat. 752, 775, 778; 49 U.S.C. 1354(a), 1421, 1424)

Issued in Washington, D.C., on November 16, 1959.

JAMES T. PYLE,
Acting Administrator.

[F.R. Doc. 59-9808; Filed, Nov. 19, 1959; 8:45 a.m.]

Chapter III—Federal Aviation Agency

SUBCHAPTER E—AIR NAVIGATION REGULATIONS

[Airspace Docket No. 59-WA-398]

[Amdt. 113]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

Modification

The purpose of this amendment to §§ 600.6244 and 600.6614 of the regulations of the Administrator is to change the name of the Pioche, Nev., VOR to the Wilson Creek, Nev., VOR. This action is being taken in order to eliminate a phonetically awkward facility name.

Since this action imposes no additional burden upon any person, notice and public procedure hereon are unnecessary, and good cause exists for making the amendment effective on less than 30 days notice.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (24 F.R. 4530) § 600.6244 (24 F.R. 1284; 2230) and § 600.6614 (14 CFR, 1958 Supp., 600.6614, 23 F.R. 10340; 24 F.R. 703; 1285; 2230; 3871; 7824) are amended as follows:

In the text of § 600.6244 *VOR Federal airway No. 244 (Oakland, Calif., to Hanksville, Utah)*, delete "Pioche, Nev., VOR;" and substitute therefor "Wilson Creek, Nev., VOR;".

2. In the text of § 600.6614 *VOR Federal airway No. 1514 (San Francisco, Calif., to New York, N.Y.)*, delete "Pioche, Nev., VOR;" and substitute therefor "Wilson Creek, Nev., VOR;".

This amendment shall become effective 0001 e.s.t. November 21, 1959.

(Secs. 307(a) and 313(a), 72 Stat. 749, 752; 49 U.S.C. 1348, 1354)

Issued in Washington, D.C., on November 18, 1959.

GEORGE S. CASSADY,
Acting Director, Bureau of Air Traffic Management.

[F.R. Doc. 59-9848; Filed, Nov. 19, 1959; 8:50 a.m.]

[Airspace Docket No. 59-WA-399]

[Amdt. 114]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

Modification

The purpose of this amendment to §§ 600.6019, 600.6192 and 600.6620 of the regulations of the Administrator is to change the name of the La Joya, N. Mex., VOR to the Socorro, N. Mex., VOR. This action is being taken in order to eliminate misunderstanding when aircraft report over a similarly named facility.

Since this action imposes no additional burden upon any person, notice and public procedure hereon are unnecessary, and good cause exists for making the amendment effective on less than 30 days notice.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (24 F.R. 4530) §§ 600.6019, 600.6192 and 600.6620 (14 CFR, 1958 Supp., 600.6019, 24 F.R. 2228; 600.6192; 600.6620, 24 F.R. 704; 2230; 3871) are amended as follows:

1. In the text of § 600.6019 *VOR Federal airway No. 19 (El Paso, Tex., to Great Falls, Mont.)*, delete "La Joya, N. Mex., VOR" wherever it appears and substitute therefor "Socorro, N. Mex., VOR".

2. In the text of § 600.6192 *VOR Federal airway No. 192 (Zuni, N. Mex., to Tucumcari, N. Mex.)*, delete "La Joya, N. Mex., omnirange station;" and substitute therefor "Socorro, N. Mex., VOR;".

3. In the text of § 600.6620 *VOR Federal airway No. 1520 (Los Angeles, Calif., to Washington, D.C.)*, delete "La Joya, N. Mex., omnirange station;" and substitute therefor "Socorro, N. Mex., VOR;".

This amendment shall become effective 0001 e.s.t. November 21, 1959.

(Secs. 307(a) and 313(a), 72 Stat. 749, 752; 49 U.S.C. 1348, 1354)

Issued in Washington, D.C., on November 18, 1959.

GEORGE S. CASSADY,
Acting Director, Bureau of Air Traffic Management.

[F.R. Doc. 59-9849; Filed, Nov. 19, 1959; 8:50 a.m.]

[Airspace Docket No. 59-WA-101]

[Amdt. 81]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

[Amdt. 92]

PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, REPORTING POINTS, AND POSITIVE CONTROL ROUTE SEGMENTS

Extension of Federal Airway, Associated Control Areas and Designation of Reporting Points

On August 19, 1959, a notice of proposed rule-making was published in the FEDERAL REGISTER (24 F.R. 6718) stating that the Federal Aviation Agency was considering an amendment to §§ 600.6454 and 601.6454 of the regulations of the Administrator which would extend VOR Federal airway No. 454 from Charlotte, N.C., to Lawrenceville, Va.

As stated in the notice, Victor 454 presently extends from Evergreen, Ala., to Charlotte, N.C. Subsequent to publication of the notice, Charlotte VOR was renamed Fort Mill, S.C., VOR. The Federal Aviation agency is extending Victor 454 from Fort Mill to Lawrenceville, via the proposed Liberty, N.C., VOR located at latitude 35°48'18" N., longitude 79°37'21" W., and scheduled for commissioning in March 1960. Victor 454 will provide a dual airway system from Evergreen to Lawrenceville paralleling Victor 20 and will relieve the traffic congestion that exists on Victor 20. Victor 454 and its associated control areas are hereby extended from the Evergreen VOR to Lawrenceville VOR. Coincident with this action, the caption of § 601.6454 relating to control areas for Victor 454 is amended. Although not mentioned in the notice, Liberty VOR is required as a designated reporting point, therefore, § 601.7001, relating to reporting points, is amended by adding the Liberty VOR. Moreover, because of the name change of the Charlotte VOR, § 601.7001 is further amended by revoking the Charlotte VOR and adding Fort Mill VOR.

No adverse comment was received regarding the proposed amendment.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted, and due consideration has been given to all relevant matter presented.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (24 F.R. 4530) § 60.6454 (24 F.R. 2646), § 601.6454 (24 F.R. 2649) and § 601.7001 (14 CFR, 1958 Supp., 601.7001) are amended as follows:

1. Section 600.6454 *VOR Federal airway No. 454 (Evergreen, Ala., to Charlotte, N.C.)*:

(a) In the caption delete "*(Evergreen, Ala., to Charlotte, N.C.)*," and substitute therefor "*(Evergreen, Ala., to Lawrenceville, Va.)*."

(b) In the text delete "to the Charlotte, N.C., VOR" and substitute therefor "Fort Mill, S.C., VOR; Liberty, N.C., VOR; to the Lawrenceville, Va., VOR."

2. In the caption of § 601.6454 *VOR Federal airway No. 454 control areas (Evergreen, Ala., to Charlotte, N.C.)*, delete "*(Evergreen, Ala., to Charlotte, N.C.)*," and substitute therefor "*(Evergreen, Ala., to Lawrenceville, Va.)*."

3. In the text of § 601.7001 *Domestic VOR reporting points*, delete "Charlotte, N.C., omnirange"; add "Fort Mill, S.C., VOR" and "Liberty, N.C., VOR."

These amendments shall become effective 0001 e.s.t. March 10, 1960.

(Secs. 307(a) and 313(a), 72 Stat. 749, 752; 49 U.S.C. 1348, 1354)

Issued in Washington, D.C., on November 13, 1959.

D. D. THOMAS,
Director, Bureau of Air Traffic Management.

[F.R. Doc. 59-9809; Filed, Nov. 19, 1959; 8:45 a.m.]

[Airspace Docket No. 59-WA-26]

[Amdt. 45]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

[Amdt. 50]

PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, REPORTING POINTS, AND POSITIVE CONTROL ROUTE SEGMENTS

Revocation of Segment of Federal Airway and Associated Control Areas; Redesignation of Reporting Points

On July 31, 1959, a notice of proposed rule-making was published in the FEDERAL REGISTER (24 F.R. 6165) stating that the Federal Aviation Agency was considering an amendment to § 600.217 of the regulations of the Administrator which would revoke the segment of Red Federal airway No. 17 which extends from Baltimore, Md., radio range station, to the Price, Md., intersection.

As stated in the notice, Red Federal airway No. 17 presently extends from Rantoul, Ill., via the Baltimore, Md., radio range station, to the point of intersection of the east course of Baltimore, Md., radio range and the southwest course of the Millville, N.J., radio range (Price, Md., intersection).

The Federal Aviation Agency IFR peak day survey for each half of calendar year 1958 showed less than sixteen aircraft movements on the segment from Baltimore to Price intersection. On the basis of this survey, the retention of this segment and its associated control areas, is unjustified as an assignment of airspace and revocation thereof is in the public interest. Such revocation will result in Red Federal airway No. 17 extending from Rantoul, Ill., to Rensselaer, Ind., intersection and from Martinsburg, W. Va., to Baltimore, Md. Although not mentioned in the Notice, the revocation of this segment of Red Federal airway No. 17 will require a modification of the caption of §§ 601.217 and 601.4217 of the regulations of the Administrator which relates to control areas and designated reporting points.

No adverse comments were received regarding the proposed amendment.

Interested persons have been afforded an opportunity to participate in the making of the rule herein adopted, and due consideration has been given to all relevant matter presented.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (24 F.R. 4530) § 600.217 (14 CFR, 1958 Supp., 600.217, 24 F.R. 2645), §§ 601.217, 601.4217 (14 CFR, 1958 Supp., 601.217, 601.4217) are amended as follows:

1. Section 600.217 *Red Federal airway No. 17 (Rantoul, Ill., to Baltimore, Md.)*.

(a) In the caption delete "*(Rantoul, Ill., to Baltimore, Md.)*," and substitute therefor "*(Rantoul, Ill., to Rensselaer, Ind., and Martinsburg, W. Va., to Baltimore, Md.)*."

(b) In the text delete "Baltimore, Md., radio range station to the intersection of the east course of the Baltimore, Md., radio range and the southwest course of the Millville, N.J., radio range, except that the portion of the Federal airway which overlaps the Aberdeen Restricted Area (R-54) (published in § 608.28 of this chapter) shall be used only after obtaining prior approval from Civil Aeronautics Administration, Air Traffic Control." and substitute therefor "to the Baltimore, Md., RR".

2. In the caption of § 601.217 *Red Federal airway No. 17 control areas (Rantoul, Ill., to Baltimore, Md.)*, delete "*(Rantoul, Ill., to Baltimore, Md.)*," and substitute therefor "*(Rantoul, Ill., to Rensselaer, Ind., and Martinsburg, W. Va., to Baltimore, Md.)*."

3. In the caption of § 601.4217 *Red Federal airway No. 17 (Rantoul, Ill., to Baltimore, Md.)*, delete "*(Rantoul, Ill., to Baltimore, Md.)*," and substitute therefor "*(Rantoul, Ill., to Rensselaer, Ind., and Martinsburg, W. Va., to Baltimore, Md.)*."

This amendment shall become effective 0001 e.s.t. January 14, 1960.

(Secs. 307(a) and 313(a), 72 Stat. 749, 752; 49 U.S.C. 1348, 1354)

Issued in Washington, D.C., on November 13, 1959.

D. D. THOMAS,
Director, Bureau of Air Traffic Management.

[F.R. Doc. 59-9811; Filed, Nov. 19, 1959; 8:45 a.m.]

[Airspace Docket No. 59-KC-64]

[Amdt. 120]

PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, REPORTING POINTS, AND POSITIVE CONTROL ROUTE SEGMENTS

Revocation of Control Zone

The purpose of this amendment to Part 601 of the regulations of the Administrator is to revoke the Grand Marais, Mich., control zone.

The Federal Aviation Agency has information that the Grand Marais airport was permanently abandoned on September 26, 1959. Therefore, the retention of a five mile radius control zone including the extension for the Grand Marais airport is no longer justified as an assignment of airspace and the revocation thereof is in the public interest.

Since this amendment eliminates a burden on the public, compliance with the notice, public procedure, and effective date requirements of section 4 of the Administrative Procedure Act is unnecessary.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (24 F.R. 4530) Part 601 (14 CFR, 1958 Supp., Part 601) is amended as follows:

Section 601.2290 *Grand Marais, Mich., control zone,* is revoked.

This amendment shall become effective 0001 e.s.t. January 14, 1960.

(Secs. 307(a) and 313(a), 72 Stat. 749, 752; 49 U.S.C. 1348, 1354)

Issued in Washington, D.C., on November 13, 1959.

D. D. THOMAS,
Director, Bureau of Air Traffic Management.

[F.R. Doc. 59-9810; Filed, Nov. 19, 1959; 8:45 a.m.]

Title 20—EMPLOYEES' BENEFITS

Chapter V—Bureau of Employment Security, Department of Labor

PART 602—COOPERATION OF UNITED STATES EMPLOYMENT SERVICE AND STATES IN ESTABLISHING AND MAINTAINING A NATIONAL SYSTEM OF PUBLIC EMPLOYMENT OFFICES

Interstate Recruitment of Agricultural Workers

On August 12, 1959, notice was published in the FEDERAL REGISTER that I proposed to amend 20 CFR Parts 602, and 604.

The notice provided that interested persons could make oral presentation at a hearing held for this purpose or could submit data, views and arguments in writing. All such oral testimony, proposals and supporting reasons presented at the hearing, and all written data, views and arguments received at and after the hearing have been carefully considered. The proposal to amend 20 CFR Part 604 will not be adopted. The amendments proposed to 20 CFR Part 602 are herein adopted as proposed with minor clarifying changes.

The purpose of these amendments is to make certain, before interstate recruitment of domestic agricultural workers by the United States Employment Service, that the wages, housing and facilities, provisions for transportation, and other terms and conditions of employment accord to prevailing standards of employment. Based on the data received in response to the proposal, all other information available to me, and the authority in section 12, 48 Stat. 117 as amended, 29 U.S.C. 49k, 20 CFR 602.9 is hereby amended, effective December 20, 1959, to read as follows:

§ 602.9 Interstate recruitment of agricultural workers.

No order for recruitment of domestic agricultural workers shall be placed into interstate clearance unless there are assurances from the State agency that:

(a) The State agency has established, pursuant to recruitment efforts made in accordance with regulations, policies and procedures of the Bureau of Employment Security (United States Employment Service), that domestic agricultural workers are not available locally or within the State.

(b) The State agency has compiled and examined data on the estimated crop acreage, yield and other production factors in accordance with procedures established by the Bureau of Employment Security (United States Employment Service) to assure the validity of need and the minimum number of agricultural workers required.

(c) The State agency has ascertained that wages offered are not less than the wages prevailing in the area of employment among similarly employed domestic agricultural workers recruited within the State and not less than those prevailing in the area of employment among similarly employed domestic agricultural workers recruited outside the State.

(d) The State agency has ascertained that housing and facilities (1) are available; (2) are hygienic and adequate to the climatic conditions of the area of employment; (3) are reasonably calculated to accommodate available domestic agricultural workers; and (4) conform to the requirements of the applicable State, county or local housing and sanitary codes or, in the absence of such applicable codes, have been determined by the State agency to be such as will not endanger the lives, health or safety of the workers. In making such determinations the State agency shall give full consideration to the applicable recommendations of the President's Committee on Migratory Labor with respect to housing and related facilities.

(e) The State agency has ascertained that the employer has offered to provide or pay for transportation for domestic agricultural workers (1) at terms not less favorable to the workers than those prevailing among the domestic agricultural workers in the area of employment recruited from the area of supply; or (2) in the absence of such prevailing practice in the area of employment, at terms not less favorable to the workers than those which prevail among the domestic agricultural workers recruited by out-of-State employers who recruit domestic agricultural workers from the area of supply, as determined by the State Agency in the State requested to supply the workers.

(f) The State agency has ascertained that other terms and conditions of employment offered are not less favorable than those prevailing in the area of employment for domestic agricultural workers for similar work.

(Sec. 12, 48 Stat, 117, as amended; 29 U.S.C. 49k)

Signed at Washington, D.C., this 18th day of November 1959.

JAMES P. MITCHELL,
Secretary of Labor.

[F.R. Doc. 59-9885; Filed, Nov. 19, 1959; 8:50 a.m.]

PART 602—COOPERATION OF UNITED STATES EMPLOYMENT SERVICE AND STATES IN ESTABLISHING AND MAINTAINING A NATIONAL SYSTEM OF PUBLIC EMPLOYMENT OFFICES

PART 604—POLICIES OF THE UNITED STATES EMPLOYMENT SERVICE

Miscellaneous Amendments

Section 602.9 of 20 CFR Part 602 has been amended this date to be effective December 20, 1959, with respect to wages, housing and facilities, transportation and other working conditions for domestic agricultural workers recruited by the United States Employment Service.

Certain of the regulations previously contained in such § 602.9 before amendment are hereby editorially revised and reallocated in §§ 602.8, 604.1, and 604.5. Paragraph (d) of § 604.2 is deleted, since it is now contained in the amended § 602.9.

Therefore, under the authority of section 12 of the Wagner-Peyser Act (48 Stat. 117, as amended, 29 U.S.C. 49k), 20 CFR Parts 602 and 604 are hereby amended as follows:

1. Section 602.8 is hereby amended to read as follows:

§ 602.8 Agricultural and related industry placement services.

(a) Each State agency, in carrying out the provisions of the Wagner-Peyser Act, shall maintain, through its State administrative office and local employment offices, effective placement services for agricultural and related industry employers and workers, and such services shall include appropriate programs for the interstate recruitment and transfer of workers and for cooperation with the United States Employment Service in the interstate recruitment and movement of workers.

(b) In carrying out the provisions of paragraph (a) of this section each State

agency will compile, maintain, and furnish the Secretary of Labor as requested, and make available to interested individuals, agencies, and the public, current information on prevailing wages paid, wages being offered on orders in the local office, and wages being offered for employment for which orders are not on file in the local office, and information on labor demand and labor supply. The State agency shall publish such information as is necessary in connection with the recruitment of labor for agriculture.

§ 604.1 [Amendment]

2. Section 604.1 is hereby amended by adding a new paragraph (m) to read as follows:

(m) To recruit no workers from one area within a State for employment in agriculture in another in-State area if transportation from the pick-up point to the place of employment, and return, each day is not provided by the employer to any available local workers, in accordance with the common practice of employers in the area.

§ 604.2 [Amendment]

3. Paragraph (d) of § 604.2 is hereby revoked. Paragraphs (e) and (f) of § 604.2 are hereby redesignated (d) and (e) respectively.

4. Section 604.5 is hereby amended to read as follows:

§ 604.5 Agricultural and related industry placement services.

It is the policy of the United States Employment Service: To provide placement services by furnishing adequate facilities for meeting the labor requirements of agriculture and related industries, including, when necessary, provision for special recruitment and referral programs and for the orderly and expeditious movement of migrant workers to successive job opportunities, and to actively cooperate with State health agencies in programs affecting agricultural workers.

Since the amendments herein serve only to reorganize existing regulations, and add nothing to the effect of the regulations, I find that notice and public procedure are unnecessary. These amendments will take effect on December 20, 1959.

Signed at Washington, D.C., this 18th day of November 1959.

JAMES P. MITCHELL,
Secretary of Labor.

[F.R. Doc. 59-9886; Filed, Nov. 19, 1959; 8:50 a.m.]

Title 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T.D. 54983]

PART 8—LIABILITY FOR DUTIES, ENTRY OF IMPORTED MERCHANDISE

Special Customs Invoices

The requirement in § 8.15(a)(2) of the Customs Regulations for special customs invoices for coca leaves, coffee, opium, tea, and certain seeds serves no customs purpose. Other interested Government agencies have indicated that since the discontinuance of certification of such invoices by United States consular officers abroad, they no longer serve their purposes. Therefore, § 8.15(a)(2) is hereby amended by inserting the word "or" at the end of subparagraph (ii); by substituting a period for the semicolon at the end of subparagraph (iii); and by deleting subparagraphs (iv) through (viii).

(Secs. 484, 624, 46 Stat. 722, as amended, 759; 19 U.S.C. 1484, 1624)

[SEAL] RALPH KELLY,
Commissioner of Customs.

Approved: November 10, 1959.

A. GILMORE FLUES,
Acting Secretary of the Treasury.

[F.R. Doc. 59-9826; Filed, Nov. 19, 1959; 8:48 a.m.]

[T.D. 54985]

PART 10—ARTICLES CONDITIONALLY FREE, SUBJECT TO A REDUCED RATE, ETC.

Temporary Importation Entries

Section 1 of Public Law 85-414 of May 16, 1958 (72 Stat. 118), amended section 308, Tariff Act of 1930, as amended, to permit under certain conditions the temporary free importation under bond for exportation of merchandise to be processed, including processes which result in articles manufactured or processed in the United States. For purposes of facilitating the accurate compilation of statistics on entries of merchandise for such purposes under section 308(1) of the tariff act, as amended, it is necessary to require that the entry be filed in duplicate instead of original only as at present.

Accordingly, paragraph (a) of § 10.31, Customs Regulations, is amended to read as follows:

§ 10.31 Entry; bond.

(a) Entry of articles brought into the United States temporarily and claimed to be exempt from duty under section 308, Tariff Act of 1930, as amended,[34] shall be made on customs Form 7501, except that, when § 10.36 is applicable or the aggregate value of the articles is not over $250, the form prescribed for the informal entry of importations by mail, in baggage, or other, as the case may be, may be used. When entry is made on customs Form 7501, it shall be in original only except in the case of entries under subdivision (1) of section 308, in which case a duplicate copy shall be required for statistical purposes. In addition to the data usually shown on a regular consumption entry, there shall be set forth on each temporary importation bond entry (1) the subdivision of section 308 under which entry is claimed, (2) a statement of the use to be made of the articles in sufficient detail to enable the collector to determine whether they are entitled to entry as claimed, and (3) a declaration that the articles are not to be put to any other use and that they are not imported for sale or sale on approval.

This amendment shall be effective as to entries filed on and after January 1, 1960.

(R.S. 161, as amended, 251, sec. 308, 624, 46 Stat. 690, as amended, 759, 5 U.S.C. 22, 19 U.S.C. 66, 1308, 1624)

[SEAL] D. B. STRUBINGER,
Acting Commissioner of Customs.

Approved: November 13, 1959.

A. GILMORE FLUES,
Acting Secretary of the Treasury.

[F.R. Doc. 59-9827; Filed, Nov. 19, 1959; 8:48 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 121—FOOD ADDITIVES

Subpart B—Exemption of Certain Food Additives From the Requirement of Tolerances

SUBSTANCES THAT ARE GENERALLY RECOGNIZED AS SAFE

Pursuant to the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug and Cosmetic Act (secs. 409, 701, 72 Stat. 1785, 52 Stat. 1055, as amended 72 Stat. 948; 21 U.S.C. 348, 371), and delegated to the Commissioner of Food and Drugs by the Secretary (23 F.R. 9500), and after having considered all comments on the proposed order published in the FEDERAL REGISTER of December 9, 1958 (23 F.R. 9511), containing a list of substances regarded as generally recognized as safe within the meaning of section 409 of the act, the Commissioner has concluded that the substances in that list with the exception of carbon black, charcoal, oleic acid, linoleic acid, titanium dioxide, and ultramarine blue, are generally recognized as safe. *Therefore, it is ordered,* That the food additive regulations (21 CFR Part 121 (24 F.R. 1095)) be amended by adding thereto, under Subpart B, the following new section:

§ 121.101 Substances that are generally recognized as safe.

(a) It is impracticable to list all substances that are generally recognized as safe for their intended use. However, by way of illustration, the Commissioner regards such common food ingredients as salt, pepper, sugar, vinegar, baking powder, and monosodium glutamate as safe for their intended use. The lists in paragraph (d) of this section include additional substances that, when used for the purposes indicated, in accordance with good manufacturing practice, are regarded by the Commissioner as generally recognized as safe for such uses.

(b) For the purposes of this section, good manufacturing practice shall be defined to include the following restrictions:

(1) The quantity of a substance added to food does not exceed the amount reasonably required to accomplish its intended physical, nutritional, or other technical effect in food; and

(2) The quantity of a substance that becomes a component of food as a result of its use in the manufacturing, processing, or packaging of food, and which is not intended to accomplish any physical or other technical effect in the food itself, shall be reduced to the extent reasonably possible.

(3) The substance is of appropriate food grade and is prepared and handled as a food ingredient. Upon request the Commissioner will offer an opinion, based on specifications and intended use, as to whether or not a particular grade or lot of the substance is of suitable purity for use in food and would generally be regarded as safe for the purpose intended, by experts qualified to evaluate its safety.

(c) The inclusion of substances in the list of nutrients does not constitute a finding on the part of the Department that the substance is useful as a supplement to the diet for humans.

(d) Substances that are generally recognized as safe for their intended use within the meaning of section 409 of the act are as follows:

CHEMICAL PRESERVATIVES

Ascorbic acid.
Ascorbyl palmitate.
Calcium ascorbate.
Calcium propionate.
Erythorbic acid.
Potassium sorbate.
Propionic acid.
Sodium ascorbate.
Sodium propionate.
Sodium sorbate.
Sorbic acid.
Tocopherols.

BUFFERS AND NEUTRALIZING AGENTS

Acetic acid.
Aluminum ammonium sulfate.
Aluminum sodium sulfate.
Aluminum potassium sulfate.
Ammonium bicarbonate.
Ammonium carbonate.
Ammonium hydroxide.
Ammonium phosphate (mono- and dibasic-).
Calcium carbonate.
Calcium chloride.
Calcium citrate.
Calcium gluconate.
Calcium hydroxide.
Calcium lactate.
Calcium oxide.
Calcium phosphate.
Citric acid.
Lactic acid.
Magnesium carbonate.
Magnesium oxide.
Potassium acid tartrate.
Potassium bicarbonate.
Potassium carbonate.
Potassium citrate.
Potassium hydroxide.
Sodium acetate.
Sodium acid pyrophosphate.
Sodium aluminum phosphate.
Sodium bicarbonate.
Sodium carbonate.
Sodium citrate.
Sodium hydroxide.
Sodium phosphate (mono-, di-, tri-).
Sodium potassium tartrate.
Sodium sesquicarbonate.
Sulfuric acid.
Tartaric acid.

EMULSIFYING AGENTS

Diacetyl tartaric acid esters of mono- and diglycerides from the glycerolysis of edible fats or oils.
Mono- and diglycerides from the glycerolysis of edible fats or oils.
Monosodium phosphate derivatives of mono- and diglycerides from the glycerolysis of edible fats or oils.
Propylene glycol.

MISCELLANEOUS

Acetic acid.
Aluminum sodium sulfate.
Aluminum sulfate.
Butane.
Calcium phosphate, tribasic.
Caramel.
Carbon dioxide.
Carnauba wax.
Citric acid.
Glycerin.
Glycerol monostearate.
Helium.
Magnesium carbonate.
Magnesium hydroxide.
Monoammonium glutamate.
Nitrogen.
Papain.
Phosphoric acid.
Propane.
Propylene glycol.
Triacetin (glyceryl triacetate).
Tricalcium phosphate.
Sodium carbonate.
Sodium phosphate.
Sodium tripolyphosphate.

NONNUTRITIVE SWEETENERS

Calcium cyclohexyl sulfamate.
Calcium saccharin.
Saccharin.
Sodium cyclohexyl sulfamate.
Sodium saccharin.

NUTRIENTS

Ascorbic acid.
Calcium carbonate.
Calcium oxide.
Calcium pantothenate.
Calcium phosphate (mono-, di-, tribasic).
Calcium sulfate.
Carotene.
Ferric phosphate.
Ferric pyrophosphate.
Ferric sodium pyrophosphate.
Ferrous sulfate.
Iron, reduced.
l-Lysine monohydrochloride.
Niacin.
Niacinamide.
D-Pantothenyl alcohol.
Potassium chloride.
Pyridoxine hydrochloride.
Riboflavin.
Riboflavin-5-phosphate.
Sodium pantothenate.
Sodium phosphate (mono-, di-, tribasic).
Thiamine hydrochloride.
Thiamine mononitrate.
α-Tocopherol acetate.
Vitamin A.
Vitamin A acetate.
Vitamin A palmitate.
Vitamin B_{12}.
Vitamin D_2.
Vitamin D_3.

SEQUESTRANTS

(For the purpose of this list, no attempt has been made to designate those sequestrants which may also function as chemical preservatives)

Calcium acetate.
Calcium chloride.
Calcium citrate.
Calcium diacetate.
Calcium gluconate.
Calcium hexametaphosphate.
Calcium phytate.
Citric acid.
Dipotassium phosphate.
Disodium phosphate.
Monocalcium acid phosphate.
Monoisopropyl citrate.
Potassium citrate.
Sodium acid phosphate.
Sodium citrate.
Sodium diacetate.
Sodium gluconate.
Sodium hexametaphosphate.
Sodium metaphosphate.
Sodium phosphate (mono-, di-, tribasic-).
Sodium potassium tartrate.
Sodium pyrophosphate.
Sodium tartrate.
Sodium tetrapyrophosphate.
Sodium tripolyphosphate.
Tartaric acid.

STABILIZERS

Agar-agar.
Carob bean gum (locust bean gum).
Carrageenin.
Guar gum.

Product	Tolerance	Specific uses or restrictions
ANTICAKING AGENTS		
Aluminum calcium silicate	2 percent	In table salt.
Calcium silicate	5 percent	In baking powder.
Calcium silicate	2 percent	In table salt.
Magnesium silicate	do	Do.
Tricalcium silicate	do	Do.
CHEMICAL PRESERVATIVES		
Benzoic acid	0.1 percent	
Butylated hydroxyanisole	Total content of antioxidants not over 0.02 percent of fat or oil content, including essential (volatile) oil content, of food.	
Butylated hydroxytoluene	do	
Caprylic acid		In cheese wraps.
Dilauryl thiodipropionate	Total content of antioxidants not over 0.02 percent of fat or oil content, including essential (volatile) oil content of the food.	
Gum guaiac	0.1 percent (equivalent antioxidant activity 0.01 percent).	In edible fats or oils.
Nordihydroguaiaretic acid	Total content of antioxidants not over 0.02 percent of fat or oil content, including essential (volatile) oil content of the food.	
Potassium bisulfite		Not in meats or in food recognizable as a source of vitamin B_1.
Potassium metabisulfite		Do.
Propyl gallate	Total content of antioxidants not over 0.02 percent of fat or oil content, including essential (volatile) oil content of the food.	
Sodium benzoate	0.1 percent	

Product	Tolerance	Specific uses or restrictions
CHEMICAL PRESERVATIVES—con.		
Sodium bisulfite		Not in meats or in foods recognizable as a source of vitamin B_1.
Sodium metabisulfite		Do.
Sodium sulfite		Do.
Sulfur dioxide		Do.
Thiodipropionic acid	Total content of antioxidants not over 0.02 percent of fat or oil content, including essential (volatile) oil content of the food.	
EMULSIFYING AGENTS		
Cholic acid	0.1 percent	Dried egg whites.
Dexoxycholic acid	do	Do.
Glycocholic acid	do	Do.
Ox bile extract	do	Do.
Taurocholic acid (or its sodium salt)	do	Do.
MISCELLANEOUS		
Caffeine	0.02 percent	In cola type beverages.
Ethyl formate	0.0015 percent	As fumigant for cashew nuts.
Magnesium stearate		As migratory substance from packaging materials when used as a stabilizer.
Sorbitol	7.0 percent	In foods for special dietary use.
Triethyl citrate	0.25 percent	Egg whites.
NUTRIENTS		
Copper gluconate	0.005 percent	
Cuprous iodide	0.01 percent	In table salt as a source of dietary iodine.
Potassium iodide	do	Do.
SEQUESTRANTS [1]		
Isopropyl citrate	0.02 percent	
Sodium thiosulfate	0.1 percent	In salt.
Stearyl citrate	0.15 percent	

[1] For the purpose of this list no attempt has been made to designate those sequestrants which may also function as chemical preservatives.

Effective date. This order shall become effective 30 days from the date of its publication in the FEDERAL REGISTER.

(Sec. 701, 52 Stat. 1055, as amended; 21 U.S.C. 371. Interprets or applies sec. 409, 72 Stat. 948; 21 U.S.C. 348)

Dated: November 13, 1959.

[SEAL] GEO. P. LARRICK
Commissioner of Food and Drugs.

[F.R. Doc. 59-9820; Filed, Nov. 19, 1959; 8:47 a.m.]

Title 32A—NATIONAL DEFENSE, APPENDIX

Chapter VI—Business and Defense Services Administration, Department of Commerce

[BDSA Order M-1A, Direction 1, Amdt. 1 of November 17, 1959]

M-1A—IRON AND STEEL

Dir. 1—Special Rules Regarding Acceptance of and Shipments Against Authorized Controlled Material Orders by Steel Producers

This amendment is found necessary and appropriate to promote the national defense and is issued pursuant to the Defense Production Act of 1950, as amended. In the formulation of this amendment, consultation with industry representatives has been rendered impracticable due to the need for immediate action.

This amendment affects Direction 1 to BDSA Order M-1A by making applicable to calendar quarters subsequent to the fourth calendar quarter of 1959 the provisions of subsections 3(c), 3(d), 4(b) and 4(c) concerning acceptance of ACM-DX orders without regard to lead time or set-aside.

Subsections 3(c), 3(d), 4(b) and 4(c) of Direction 1 to BDSA Order M-1A are amended to read as follows:

Sec. 3. Rules applicable to steel producers whose operations were suspended.

* * * * *

(c) A steel controlled materials producer must, without regard to lead time, accept each ACM order calling for delivery during the calendar quarter of resumption of operations and each ACM-DX order calling for delivery during any subsequent calendar quarter unless it is impracticable for him to make shipment during the required delivery month in which event he must accept such order for the earliest practicable delivery date.

(d) A steel controlled materials producer must accept each ACM-DX order calling for delivery during or subsequent to the calendar quarter of resumption of operations even though the applicable set-aside has been reached or would be exceeded by such acceptance.

Sec. 4. Rules applicable to steel producers whose operations were not suspended.

* * * * *

(b) A steel controlled materials producer must, without regard to lead time, accept each ACM-DX order calling for delivery during or subsequent to the fourth calendar quarter of 1959 unless it is impracticable for him to make shipment during the required delivery month in which event he must accept such order for the earliest practicable delivery date.

(c) A steel controlled materials producer must accept each ACM-DX order calling for delivery during or subsequent to the fourth calendar quarter of 1959 even though the applicable set-aside has been reached or would be exceeded by such acceptance.

(Sec. 704, 64 Stat. 816, as amended, Pub. Law 85-471, 72 Stat. 241; 50 U.S.C. App. 2154)

This amendment shall take effect November 17, 1959.

BUSINESS AND DEFENSE SERVICES ADMINISTRATION,
H. B. MCCOY,
Administrator.

[F.R. Doc. 59-9830; Filed, Nov. 19, 1959; 8:48 a.m.]

Title 50—WILDLIFE

Chapter I—Fish and Wildlife Service, Department of the Interior

PART 33—CENTRAL REGION

Subpart—Sand Lake National Wildlife Refuge, South Dakota

HUNTING

Basis and purpose. Pursuant to the authority conferred upon the Secretary of the Interior by section 10 of the Migratory Bird Conservation Act of February 18, 1929 (45 Stat. 1224; 16 U.S.C. 715i), as amended and supplemented, and acting in accordance with the authority delegated to me by Commissioner's Order No. 4 (22 F.R. 8126), I have determined that the hunting of deer during the 1959 State season on the Sand Lake National Wildlife Refuge, South Dakota, would be consistent with the management of the refuge.

The regulations constituting Part 33 are amended by adding § 33.172 to Subpart—Sand Lake National Wildlife Refuge, South Dakota, as follows:

§ 33.172 Hunting of deer permitted.

Subject to compliance with the provisions of Parts 18 and 21 of this chapter, deer hunting is permitted on the hereinafter described lands of the Sand Lake National Wildlife Refuge, South Dakota, subject to the following conditions, restrictions, and requirements:

(a) *State laws.* Strict compliance with all applicable State laws and regulations is required.

(b) *Entry.* A valid State hunting license, if required under State law, will serve as a Federal permit for hunting on that portion of the refuge opened to hunting.

(c) *Season.* Deer may be hunted only during the State season December 14 through December 20, 1959.

(d) *Area.* All lands of the Sand Lake National Wildlife Refuge shall be open to hunting except for the area surrounding refuge headquarters clearly posted by the officer-in-charge.

Although it is the policy of the Department of the Interior that wherever practicable the rule making requirements of the Administrative Procedure Act (5 U.S.C. 1003) be observed voluntarily, emergency action must be initiated due to drought conditions which have prevailed in northeastern South Dakota. Browse and forage conditions are very poor. It is imperative that reductions in the deer herd at Sand Lake National Wildlife Refuge be effected to prevent further deterioration of the range and to

prevent depredations to hay and other domestic feed supplies in adjacent areas.

The South Dakota season covering the refuge area has just been announced, immediately following the close of the waterfowl season December 13. Major waterfowl concentrations usually leave the refuge area by this date and no interference with waterfowl management is expected.

In order to meet this emergency this regulation shall become effective immediately upon publication in the FEDERAL REGISTER.

Issued at Washington, D.C., and dated November 16, 1959.

A. V. TUNISON,
Acting Director, Bureau of Sport Fisheries and Wildlife.

[F.R. Doc. 59-9822; Filed, Nov. 19, 1959; 8:47 a.m.]

PART 33—CENTRAL REGION

Subpart—Waubay National Wildlife Refuge, South Dakota

HUNTING

Basis and purpose. Pursuant to the authority conferred upon the Secretary of the Interior by section 10 of the Migratory Bird Conservation Act of February 18, 1929 (45 Stat. 1224; 16 U.S.C. 715i), as amended and supplemented, and acting in accordance with the authority delegated to me by Commissioner's Order No. 4 (22 F.R. 8126), I have determined that the hunting of deer during the 1959 State season on the Waubay National Wildlife Refuge, South Dakota, would be consistent with the management of the refuge.

The regulations constituting Part 33 are amended by adding Subpart—Waubay National Wildlife Refuge, South Dakota, and § 33.351, as follows:

§ 33.351 Hunting of deer permitted.

Subject to compliance with the provisions of Parts 18 and 21 of this chapter, deer hunting is permitted on the hereinafter described lands of the Waubay National Wildlife Refuge, South Dakota, subject to the following conditions, restrictions, and requirements:

(a) *State laws.* Strict compliance with all applicable State laws and regulations is required.

(b) *Entry.* A valid State hunting license, if required under State law, will serve as a Federal permit for hunting on that portion of the refuge opened to hunting.

(c) *Season.* Deer may be hunted only during the State season December 14 through December 20, 1959.

(d) *Area.* All lands of the Waubay National Wildlife Refuge shall be open to hunting except for the area surrounding refuge headquarters clearly posted by the officer-in-charge.

Although it is the policy of the Department of the Interior that wherever practicable the rule making requirements of the Administrative Procedure Act (5 U.S.C. 1003) be observed voluntarily, emergency action must be initiated due to drought conditions which have prevailed in northeastern South Dakota. Browse and forage conditions are very poor. It is imperative that reductions in the deer herd at Waubay National Wildlife Refuge be effected to prevent further deterioration of the range and to prevent depredations to hay and other domestic feed supplies in adjacent areas.

The South Dakota season covering the refuge area has just been announced, immediately following the close of the waterfowl season December 13. Major waterfowl concentrations usually leave the refuge area by this date and no interference with waterfowl management is expected.

In order to meet this emergency this regulation shall become effective immediately upon publication in the FEDERAL REGISTER.

Issued at Washington, D.C., and dated November 16, 1959.

A. V. TUNISON,
Acting Director, Bureau of Sport Fisheries and Wildlife.

[F.R. Doc. 59-9823; Filed, Nov. 19, 1959; 8:47 a.m.]

PROPOSED RULE MAKING

POST OFFICE DEPARTMENT

[39 CFR Part 43]

MAIL DEPOSIT AND COLLECTION

Location of Mail Chutes

At the present time § 43.6(e)(5) of title 39, Code of Federal Regulations, provides that mail chutes must be conveniently accessible throughout the entire length. Also, in no case shall the chutes be placed behind elevator screens or partitions or run through any part of a building to which the public is denied access, without the prior approval of the Regional Director or postal installation manager.

The Department proposes to augment this regulation by requiring that when more than 5 lineal feet of the mail chute will be concealed, removable panels must be provided in the concealing features to permit easy access to the chute for removal of blockades; also that concealed equipment should be so manufactured and installed that it can be removed readily if necessary.

The proposed amendment is exempt from the rule making requirements of 5 U.S.C. 1003 as it relates to a proprietary function of the Government. However, it is the desire of the Postmaster General voluntarily to observe the rule making requirements of the Administrative Procedure Act in matters of this kind, and to afford patrons of the Postal Service an opportunity to present written views concerning the proposed regulation. Accordingly, such written views may be submitted to Mr. L. B. Schoonover, Director, Postal Installations Division, Room 4334, Post Office Department Building, Washington 25, D.C., at any time prior to the expiration of thirty days from the date of publication of this document.

The proposed amendment is as follows:

In § 43.6 *Mail chutes and receiving boxes,* amend subdivision (i) of paragraph (c)(5) to read as follows:

(i) The chute must be so placed as to be conveniently accessible throughout the entire length. When more than 5 lineal feet of the mail chute will be concealed, removable panels must be provided in the concealing features to permit easy access to the chute for removal of blockades. The concealed equipment should be so manufactured and installed that it can be removed readily if necessary. In no case shall the chutes be placed behind elevator screens or partitions or run through any part of a building to which the public is denied access without prior approval of the Regional Operations Director.

NOTE: The corresponding Postal Manual section is 153.635a.

(R.S. 161, as amended, 396, as amended, sec. 1, 24 Stat. 569, as amended; 5 U.S.C. 22, 369, 39 U.S.C. 156)

[SEAL] HERBERT B. WARBURTON,
General Counsel.

[F.R. Doc. 59-9841; Filed, Nov. 19, 1959; 8:49 a.m.]

FEDERAL AVIATION AGENCY

[Airspace Docket No. 59-WA-351]

[14 CFR Parts 600, 601]

FEDERAL AIRWAYS AND CONTROL AREAS

Modification

Pursuant to the authority delegated to me by the Administrator (§ 409.13, 24 F.R. 3499), notice is hereby given that the Federal Aviation Agency is considering an amendment to §§ 600.6081 and 601.6081 of the regulations of the Administrator, the substance of which is stated below.

VOR Federal airway No. 81 and its associated control areas presently extends from Midland, Tex., to Salt Lake City, Utah. The Federal Aviation Agency has under consideration the designation of a west alternate to Victor 81 between Dalhart, Tex., and Tobe, Colo. This would provide a bypass route for separating climbing and descending air-

craft from en route traffic on the main airway between Dalhart and Tobe. The proposed west alternate to Victor 81 would be designated from Dalhart VOR via a VOR to be installed approximately February 15, 1960, near Clayton, N. Mex., at latitude 36°23'18" N., longitude 103°12'30" W., to Tobe VOR.

In consideration of the foregoing, the Federal Aviation Agency proposes to designate a west alternate and associated control areas to VOR Federal airway No. 81 from Dalhart, Tex., to Tobe, Colo., via Clayton, N. Mex.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Regional Administrator, Federal Aviation Agency, P.O. Box 1689, Fort Worth 1, Tex. All communications received within thirty days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Administrator, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Administrator.

This amendment is proposed under sections 307(a) and 313(a) of the Federal Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

Issued in Washington, D.C., on November 13, 1959.

D. D. THOMAS,
Director, Bureau of Air Traffic Management.

[F.R. Doc. 59-9814; Filed, Nov. 19, 1959; 8:46 a.m.]

[14 CFR Part 601]

[Airspace Docket No. 59-WA-243]

CONTROL AREAS AND CONTROL ZONES

Designation

Pursuant to the authority delegated to me by the Administrator (§ 409.13, 24 F.R. 3499), notice is hereby given that the Federal Aviation Agency is considering an amendment to Part 601 of the regulations of the Administrator, the substance of which is stated below.

The Federal Aviation Agency is considering an Air Force proposal to designate a control zone and control area extension at Vandenberg AFB, Calif., to provide protection for aircraft conducting IFR approaches and for departures at the airbase. The control zone and control area extension will be described by reference to the airbase and the Vandenberg TVOR.

In consideration of the foregoing, the Federal Aviation Agency proposes to designate a control zone within 5 miles of Vandenberg AFB and within 2 miles southwest of and 3 miles northeast of the Vandenberg TVOR 316° radial from the 5-mile radius zone to the TVOR, excluding that portion overlying the Navy Missile Facility, Pt. Arguello, Calif., Restricted Areas (R-531) and (R/W 532). Concurrent with the designation of the control zone, it is proposed to designate a control area extension within a 35-mile radius of the Vandenberg AFB, excluding that portion overlying Restricted Areas (R-531) and (R/W 532) and that portion outside the United States.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Regional Administrator, Federal Aviation Agency, 5651 West Manchester Avenue, P.O. Box 90007, Airport Station, Los Angeles 45, Calif. All communications received within thirty days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Administrator, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Administrator.

This amendment is proposed under sections 307(a) and 313(a) of the Federal Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

Issued in Washington, D.C., on November 13, 1959.

D. D. THOMAS,
Director, Bureau of Air Traffic Management.

[F.R. Doc. 59-9813; Filed, Nov. 19, 1959; 8:46 a.m.]

[14 CFR Part 601]

[Airspace Docket No. 59-WA-283]

CONTROL AREAS

Designation

Pursuant to the authority delegated to me by the Administrator (§ 409.13, 24 F.R. 3499), notice is hereby given that the Federal Aviation Agency is considering an amendment to Part 601 of the regulations of the Administrator, the substance of which is stated below.

The Federal Aviation Agency proposes to designate a control zone at Stevens Point, Wis., to provide protection for aircraft conducting IFR approaches and for departures at Stevens Point Airport. The control zone would be described by reference to the Stevens Point Airport and the Stevens Point VOR which will be installed approximately Dec. 15, 1959, on the airport at latitude 44°32'24" N., longitude 89°39'54" W.

In consideration of the foregoing, the Federal Aviation Agency proposes to designate the Stevens Point, Wis., control zone within a 5-mile radius of the Stevens Point Airport and within two miles on each side of the 025°, 109°, 219°, and 305° radials of the Stevens Point VOR extending from the VOR to points 12 miles northeast, southeast, southwest, and northwest of the VOR.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Regional Administrator, Federal Aviation Agency, 4825 Troost Avenue, Kansas City 10, Mo. All communications received within thirty days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Administrator, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Administrator.

This amendment is proposed under sections 307(a) and 313(a) of the Federal Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

Issued in Washington, D.C., on November 13, 1959.

D. D. THOMAS,
Director, Bureau of Air Traffic Management.

[F.R. Doc. 59-9815; Filed, Nov. 19, 1959; 8:46 a.m.]

[14 CFR Part 608]

[Airspace Docket No. 59-WA-72]

RESTRICTED AREAS

Designation of Restricted Area/Military Climb Corridor

Pursuant to the authority delegated to me by the Administrator (§ 409.13, 24

F.R. 3499), notice is hereby given that the Federal Aviation Agency is considering an amendment to § 608.57 of the regulations of the Administrator, as hereinafter set forth.

The Federal Aviation Agency has under consideration the designation of a Restricted Area/Military Climb Corridor at Truax Field, Madison, Wis. The Military Climb Corridor, designated as a Restricted Area, would confine the high-speed, high rate-of-climb Century series air defense aircraft, departing from the airbase on active air defense missions, within a relatively small area. The Restricted Area would provide protection for high speed air defense aircraft and other users of the airspace during the climb phase of the air defense aircraft mission. If such action is taken a Restricted Area/Military Climb Corridor would be designated at Truax Field, extending along the 003° True radial of the Truax Field, TVOR from a point 5 statute miles north to a point 32 statute miles north of the airbase, 2 statute miles wide at the beginning and 4.6 statute miles wide at the outer extremity. The lower altitude limits in graduated steps would extend from 2,900 feet MSL to 19,900 feet MSL. The upper altitude limits would extend from 15,900 feet MSL to 27,000 feet MSL. Time of use would be continuous. The controlling agency would be the Federal Aviation Agency Control Tower, Truax Field, Madison, Wis. The controlling agency would authorize aircraft to operate within the Climb Corridor when not in use by active air defense aircraft.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Regional Administrator, Federal Aviation Agency, 4825 Troost Avenue, Kansas City 10, Mo. All communications received within thirty days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Administrator, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Administrator.

This amendment is proposed under sections 307(a) and 313(a) of the Federal Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

In consideration of the foregoing, it is proposed to amend § 608.57 (23 F.R. 8590) as follows:

In § 608.57 *Wisconsin*, add:

Madison, Wis. (Truax Field), Restricted Area/Military Climb Corridor (R-591) (Milwaukee Chart):

Description. That area centered on the 003° True radial of the Truax Field TVOR beginning 5 statute miles N of the airbase and extending 32 statute miles N of the airbase, having a width of 2 statute miles at the beginning, and a width of 4.6 statute miles at the outer extremity.

Designated altitudes

2,900' MSL to 15,900' MSL from 5 statute miles N of the airbase to 6 statute miles N of the airbase.
2,900' MSL to 24,900' MSL from 6 to 7 statute miles N of the airbase.
2,900' MSL to 27,000' MSL from 7 to 10 statute miles N of the airbase.
6,900' MSL to 27,000' MSL from 10 to 15 statute miles N of the airbase.
10,900' MSL to 27,000' MSL from 15 to 20 statute miles N of the airbase.
15,900' MSL to 27,000' MSL from 20 to 25 statute miles N of the airbase.
19,900' MSL to 27,000' MSL from 25 to 32 statute miles N of the airbase.

Time of designation. Continuous.
Controlling Agency. Federal Aviation Agency Control Tower, Truax Field, Madison, Wis.

Issued in Washington, D.C., on November 13, 1959.

D. D. THOMAS,
Director, Bureau of Air Traffic Management.

[F.R. Doc. 59-9812; Filed, Nov. 19, 1959; 8:46 a.m.]

NOTICES

ATOMIC ENERGY COMMISSION

[Docket No. 50-150]

OHIO STATE UNIVERSITY

Notice of Application for Construction Permit and Utilization Facility License

Please take notice that the Ohio State University, under section 104c of the Atomic Energy Act of 1954, as amended, has submitted an application for a license to construct and operate a 10 kilowatt (thermal) pool-type training reactor on the University's campus in Columbus, Ohio. A copy of the application is available for public inspection in the AEC's Public Document Room located at 1717 H Street NW., Washington, D.C.

Dated at Germantown, Md., this 12th day of November 1959.

For the Atomic Energy Commission.

R. L. KIRK,
Deputy Director, Division of Licensing and Regulation.

[F.R. Doc. 59-9804; Filed, Nov. 19, 1959; 8:45 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of the Secretary

STATEMENT OF ORGANIZATION AND DELEGATIONS OF AUTHORITY

Social Security Administration

Part 8 of the Statement of Organization and Delegations of Authority of the Department (22 F.R. 1050) is hereby amended in the following respects:

1. Subsection 8.20(a) is amended by renumbering subparagraph (3) as subparagraph (4) and by inserting a new subparagraph (3) as follows:

(3) Functions vested in the Secretary by section 5(k)(2) (B) and (C) of the Railroad Retirement Act, as amended, 45 U.S.C. 228e.

2. Section 8.30 is amended by deleting subsection (c) and by renumbering subsection (d) as (c).

3. Subsection 8.40(a) is amended to read as follows:

(a) Authority contained in 8.20(a) above may be redelegated by the Commissioner to such officials, bureaus, or offices of the Social Security Administration as he may deem appropriate, except that the authority contained in 8.20(a)(3) may only be redelegated to the Deputy Commissioner of Social Security, and provided that agreements and modifications of agreements under section 218 or 221(b) of the Social Security Act, as amended, shall be reviewed by the Office of the General Counsel for legal form and substance.

Dated: October 23, 1959.

[SEAL] ARTHUR S. FLEMMING,
Secretary.

[F.R. Doc. 59-9821; Filed, Nov. 19, 1959; 8:47 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 9934]

ALLEGHENY AIRLINES, INC.; CERTIFICATE AMENDMENT

Notice of Hearing

In the matter of the application of Allegheny Airlines, Inc., pursuant to section 401 of the Federal Aviation Act of 1958, for an amendment of its certificate of public convenience and necessity for route No. 97.

Notice is hereby given, pursuant to the Federal Aviation Act of 1958, that a hearing in the above-entitled matter is assigned to be held on December 15, 1959, at 10:00 a.m., e.s.t., in the United States District Court Room, second floor of the Post Office Building, 12th and Chapline Streets, Wheeling, W. Va., before Examiner Joseph L. Fitzmaurice.

Dated at Washington, D.C., November 16, 1959.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 59-9805; Filed, Nov. 19, 1959; 8:45 a.m.]

[Docket No. 10963]

EMPRESA DE TRANSPORTES AEROVIAS BRASIL, S.A.

Notice of Postponement of Prehearing Conference

Notice is hereby given that the prehearing conference in the above-entitled proceeding heretofore assigned to be held November 17, 1959, is reassigned to be held on November 24, 1959, at 10:00 a.m., e.s.t., in Room 911, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before Examiner Curtis C. Henderson.

Dated at Washington, D.C., November 16, 1959.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 59-9806; Filed, Nov. 19, 1959; 8:45 a.m.]

[Docket No. 10697]

TRANS-CANADA AIR LINES

Notice of Hearing

In the matter of the application of Trans-Canada Air Lines for amendment of its foreign air carrier permit for the Halifax-Boston route to add New York, New York, as a coterminal.

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, that a hearing in the above entitled proceeding is assigned to be held on December 7, 1959, at 10:00 a.m., e.s.t., in Room 911, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before Examiner Barron Fredricks.

Dated at Washington, D.C., November 16, 1959.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 59-9842; Filed, Nov. 19, 1959; 8:49 a.m.]

[Docket No. 9812]

TRANSPORTATION CORPORATION OF AMERICA

Notice of Hearing

In the matter of the application by Transportation Corporation of America (formerly Trans-Caribbean Airways, Inc.) to carry mail on a non-subsidy basis between Puerto Rico and New York.

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, that a hearing in the above entitled proceeding is assigned to be held on December 9, 1959, at 10:00 a.m., e.s.t., in Room 911, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before Examiner Barron Fredricks.

Dated at Washington, D.C., November 16, 1959.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 59-9843; Filed, Nov. 19, 1959; 8:49 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 13253; FCC 59M-1528]

MADISON BROADCASTERS

Order Continuing Hearing Conference

In re application of John W. Ecklin and James C. Grisham, d/b as Madison Broadcasters, Madison, South Dakota, Docket No. 13253, File No. BP-12222; for construction permit.

It is ordered, This 13th day of November 1959, that the prehearing conference in the above-entitled matter now scheduled for November 20, 1959, is continued without date upon information officially received by the Hearing Examiner that a hearing in this matter may finally be obviated.

Released: November 16, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-9832; Filed, Nov. 19, 1959; 8:48 a.m.]

[Docket Nos. 13266-13270; FCC 59-1153]

MONTANA-IDAHO MICROWAVE, INC.

Memorandum Opinion and Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of Montana-Idaho Microwave, Inc., Bozeman, Montana, for construction permit for new fixed radio station near Pocatello, Idaho, Docket No. 13266, File No. 413-Cl-P-60/022-Cl-MP-60, Call Sign KPJ33; for construction permit for new fixed radio station near Monida Pass, Idaho, Docket No. 13267, File No. 414-Cl-P-60/923-Cl-MP-60, Call Sign KPJ34; for construction permit for new fixed radio station near Armstead, Montana, Docket No. 13268, File No. 415-Cl-P-60/924-Cl-MP-60, Call Sign KPJ 35; for construction permit for new fixed radio station near Whitehall, Montana, Docket No. 13269, File No. 416-Cl-P-60/925-Cl-MP-60, Call Sign KPJ36; for construction permit for new fixed radio station near Bozeman Pass, Montana, Docket No. 13270, File No. 417-Cl-P-60/926-Cl-MP-60, Call Sign KPJ37.

1. The Commission has before it (1) a protest by Television Montana (hereinafter called Protestant or Television Montana), licensee of television broadcast station KXLF-TV, Butte, Montana, timely filed on October 16, 1959 pursuant to section 309(c) of the Communications Act of 1934, as amended, protesting the Commission's action, taken by staff pursuant to delegation of authority, on September 17, 1959, granting without hearing the above-entitled applications of Montana-Idaho Microwave, Inc. (hereinafter called Applicant or Montana-Idaho) for five construction permits to provide a new point-to-point microwave fixed video system at the points mentioned in the caption; (2) an alternative request, that the Commission, pursuant to § 0.202 of its rules,[1] reconsider the action taken by its staff under delegation of authority and, upon such reconsideration, designate the applications for evidentiary hearing and make the Protestant a party thereto; and (3) a timely opposition to the Protest and Petition for Reconsideration filed by the Applicant (supplemented by a filing on October 29, 1959).

PRELIMINARY STATEMENT

2. On September 17, 1959, the five above-identified applications for construction permits for microwave relay radio facilities were granted by the Commission. The grants were announced in a Public Notice, dated September 28, 1959 (Report No. 495, Mimeo No. 78829). These grants were made to enable the Applicant to construct a microwave relay system to make an off-the-air pick-up of the programs of three television stations in Salt Lake City, Utah, and one television station at Pocatello, Idaho, and to deliver the three Salt Lake City programs to (a) Community Television System of Bozeman, Inc. at Bozeman, Montana; (b) Livingston Community Antenna Association at Livingston, Montana; and (c) KDBM and the Vigilante Broadcasting Company, Inc. at Dillon, Montana (hereinafter collectively referred to as the CATV's.[2] Montana-Idaho also had an order to deliver the programs of one television station at Pocatello, Idaho, to KGHL-TV, a television station at Billings, Montana.

3. Thereafter, on October 8, 1959, Applicant was granted a modification of each of the five construction permits to change equipment (File Nos. 922 through 926-Cl-MP-60).[3] (Public Notice October 12, 1959; Report No. 497, Mimeo No. 79541). Such modifications did not result in any material change in Applicant's system as originally proposed. Each of the construction permits specifies four (4) transmitters at each station. On October 20, 1959, Applicant filed four applications (File Nos. 1050 through 1053-Cl-L-60) for license to cover in part the construction permits in which it stated it had completed the installation of one transmitter at each station, with the exception of station KPJ33 at Kimport Peak, 4.6 miles S.W. of Pocatello,

[1] The requested reconsideration is not sought under section 405 of the Communications Act.

[2] The Dillon CATV is not yet in operation and is only proposed.

[3] The instant Protest and Petition does not attack the grants of October 8, 1959, and may be technically deficient in this regard. We do not intend now to dispose of this question.

Idaho, in order to begin serving its customers throughout the system with a single channel of service.[4] The licenses to cover have not yet been acted upon.

THE PROTEST

4. Protestant relates that the result of the grant of the contested applications will be to enable CATV systems in the cities of Dillon, Livingston, and Bozeman to bring in multiple signals from Salt Lake City, Utah, and Pocatello, Idaho, under circumstances where such signals would not otherwise be receivable; that Protestant renders the only local service in Butte, Montana, and environs; that Protestant has moved its antenna and equipment to a mountaintop site in order to increase its coverage and improve its economic base, adding about 192,790 persons to its Butte environs coverage of about 73,287 persons; that Bozeman and Dillon are within the Grade B contour of its station; that Livingston is a few miles beyond the Grade B contour; that Protestant's ability to serve Bozeman, Dillon, and Livingston is an important asset to Protestant; that the 1950 census population of Bozeman was 11,325; that Dillon had a 1950 census population of 3,268 and Livingston had 7,683; that the present population of these three cities may be in the range of 30,000; that, if the grants here authorized are allowed to stand, the impact upon Protestant will be severe, in that Protestant will lose advertising accounts in Bozeman, Dillon, and Livingston and national advertisers will take into account the added coverage of the Salt Lake City and Pocatello stations in determining whether to purchase advertising time on Protestant's stations; that the loss of such revenue and viewers will require Protestant to degrade its existing service and may require Protestant to abandon its mountaintop operations, thus depriving the many viewers in the area of their only TV service. Upon this showing, we conclude that Protestant is a "party in interest", within the meaning of section 309(c) of our Act and that it has standing to protest our action herein. Also, it has standing to request reconsideration of the action, pursuant to § 0.202 of our rules.

5. Protestant states that the grants are not in the pubic interest because they tend to limit or destroy the potentialities for local television broadcasting in Montana. Protestant states that the Commission is obligated to encourage local television broadcasting and that the grants at issue will foredoom large areas of Montana to receive television service only from distant cities, and then only on payment of fees, about which the Commission knows nothing, and that rural residents will be precluded from any possible TV service. Protestant states that it is clear, from Section 307(b) of our Act, that Congress intended that the public be provided with free local broadcast service, and that these objectives were set forth by the Commission in its Sixth Report on Television Allocations, 1 RR (Part III, 91:620). Protestant states that the public interest involved in importing out-of-state signals into the heart of Montana, or any other state, must receive full consideration at a hearing, since the grants will have the effect of foreclosing local broadcasting service and denying television to huge segments of population Moreover, Protestant predicts that the grants, if allowed to stand, will induce further similar grants and Protestant predicts the destruction of all local television between Spokane and Salt Lake City. Protestant states that other pending applications for the instant system, not yet granted by the Commission, have for their purpose the importation of one Spokane and one Canadian signal. Finally, Protestant challenges the Commission's recognition of Applicant as a common carrier on the theory that any person is a common carrier who "holds out" to the public an offer to serve all who desire service upon reasonable demand, without discrimination and pursuant to applicable rates and charges. Protestant states this greatly oversimplifies the problem and is not a true test of common carrier status in the ordinary sense of that term.

6. Protestant requests that the captioned applications for construction permits be designated for hearing upon the following issues:

(1) To determine the effect which the grant of the above-entitled applications will have upon the operation of Television Montana's station KXLF–TV, Butte, Montana.

(2) To determine the effect which the grant of the above-entitled applications will have upon the development of local television broadcasting in Montana.

(3) To determine whether the grant of the above-entitled applications is consistent with objectives of the Communications Act and of the Commission's Television Allocation Plan to foster local television broadcasting.

(4) To determine whether applicant is, or whether the Commission is compelled to accept that applicant is, a common carrier in the ordinary sense of the term.

(5) To determine the relationship between the applicant and its proposed customers.

(6) To determine whether applicant has received the consent of the television stations whose signals it proposes to transmit and, if it has not, whether it is in the public interest to abet applicant's intention to transmit the signals of television broadcast stations without the consent of those stations.

(7) To determine whether it serves public interest, convenience and necessity to grant the above-entitled applications whose purpose and effect will be the transmission of television broadcast signals of out-of-state stations into Montana.

THE OPPOSITION TO THE PROTEST

7. Applicant notes that Protestant is the licensee of station KXLF–TV at Butte which, in turn, is the parent station of satellite station KXLJ–TV at Helena, Mont. Applicant states that Protestant is the largest broadcaster in Montana and, thus, enjoys a virtual broadcast-viewer monopoly, and that the instant protest is an effort on Protestant's behalf to further its monopoly. Applicant asserts that it now has three customers for its service, i.e. CATV's at Bozeman and Livingston and television station KGHL–TV at Billings. Additionally, there is a prospective customer in Dillon, where a CATV system will be constructed at a later date. None of the CATV's or the television station is located within a radius of 55 miles of the town of Butte. or of the transmitter site of station KXLF–TV. The nearest community is Dillon, more than 56 air miles distant. Bozeman is over 70 air miles distant, and Livingston is about 100 miles away. Applicant states that Protestant has deliberately misled the Commission in its Protest, in that it fails to mention that Applicant is also providing its service to television station KGHL–TV at Billings. Furthermore, the Applicant's service to KGHL has been extended to television station KWRB–TV at Thermopolis, Wyo. In a sworn statement attached to Applicant's Opposition, Mr. J. P. Robinson, General Manager of television station KGHL–TV, states in part that, "without the ____ common carrier service of Montana-Idaho, KGHL would not be able to bring such live NBC service to Billings and the surrounding area." Further, Mr. Robinson's sworn statement relates that, because of Applicant's service, television station KWRB–TV at Thermopolis is now also able to present live NBC programming to its viewers. Robinson's affidavit also states that it is necessary for his station to have live network service if the station is to operate successfully; and that KWRB–TV has asserted that, without such service, it would have to cease operating. Applicant states that this demonstrates that Protestant has not been candid with the Commission and that the Commission should not permit its administrative processes to be used to inhibit the lawful and legitimate activities of Applicant. Applicant questions the severe impact which Protestant alleges will result from Applicant's operation since, as Protestant states in its Protest, KXLF–TV used to serve an area containing a population of 73,287 persons, but now, through relocation of its antenna, it has increased the population it is able to serve by about 192,790 persons, or a total of 266,077 persons. Even assuming a population of 30,000 persons lost collectively in the towns of Dillon, Bozeman and Livingston, it is difficult to ascertain the basis for Protestant's claim that the captioned grants will cause great and irreparable injury. Applicant argues that the findings and conclusions of the Commission, in its Report and Order in Docket No. 12443, dispose of every issue raised by Protestant. Thus, if the findings and conclusions in Docket No. 12443 are valid, Protestant is not entitled to have the grants set aside or withdrawn and, at most, Protestant is entitled to oral argument as to the validity of the doctrines and policies enunciated in Docket No. 12443, as they may apply to Protestant's allegations. The Commission has already found in Docket No. 12443, as a

[4] Upon filing applications for licenses to cover the construction permits, Applicant became entitled, pursuant to the provisions of § 21.212(b) of the applicable rules, to commence service tests (including the rendition of service to the public for hire). The authority to continue such tests continues until the applications for license to cover the construction permits have been disposed of. Thus, until we indicate otherwise, Applicant is legally authorized to render such service.

matter of law, that providing the proposed use of the common carrier's service is lawful, it does not have authority to act as a censor over public communications; and that the Commission, even if presented with a case of adverse competitive impact, lacks authority to prohibit service to a lawful customer. Protestant does not allege that there is no need for Applicant's service, nor that Applicant has refused, or will refuse, to offer its services to any member of the public. Applicant points out that the Commission concluded, in Docket No. 12443, with regard to economic injury and the application of section 307(b) of our Act, that there are 307(b) considerations only in cases where a broadcaster might be forced off the air by auxiliary broadcast services, i.e. translators, satellites, repeaters and CATV systems, and not the common carrier microwave service which may provide a service to a CATV system. Thus, Applicant states, it must be concluded that all of Protestant's data and allegations relative to competitive effect, if any, of the common carrier microwave grants are not relevant or material to consideration of an application for common carrier facilities and that it would be anomalous to hold a hearing and take evidence upon issues which would have no bearing upon the real subject at hand. In summary, Applicant argues that, at best, the protest presents only questions of law and policy, which requires that Protestant be afforded an opportunity for oral argument; that Applicant has made a clear prima facie showing of the public need for its service to substantial areas which now have no such service; and that the Applicant's CATV customers and the television stations depend on the common carrier service as the only means of acquiring live network television. Based on all the above, Applicant requests that the protest be denied or, in the event the Commission does grant the protest, that the hearing be limited to oral argument and that the Commission exercise its discretion, as provided in section 309(c) of our Act, and permit Applicant to continue to provide the one channel of service now provided and, in addition, complete construction of the remaining three channels of service and provide service to the public over all four channels, pending the Commission's disposition of this proceeding.

DISPOSITION OF THE PROTEST

8. It is clear that the Protestant has standing to protest and request reconsideration of the staff action herein. To the extent that we hereinafter dispose of the protest, it is evident that we contemporaneously dispose of the problem of reconsideration and we so intend. As indicated in our resume of its pleading, Television Montana alleges various reasons and grounds purporting to show that the grants herein were improperly made and would otherwise not be in the public interest. In our Report and Order in Docket No. 12443, we undertook an extensive and careful review of all the questions brought to our attention and bearing upon the alleged interrelationships between provision of common carrier microwave relay communication services to CATV's generally and the operation of CATV's vs. television broadcasters. In our Report and Order, we arrived at various considered conclusions, some of which have a direct bearing on this situation. We refer particularly to the conclusions set forth in paragraphs 45 through 51 and paragraphs 58 through 79 of that Report and Order. While we do not yet perceive any reason for concluding that our determinations in Docket No. 12443 are erroneous, or require modification, we propose to afford Protestant herein an opportunity to develop an evidentiary record in support of its protest and its inferences that our decision in Docket No. 12443 should be modified.

9. While affording the Protestant the opportunity to make an evidentiary record in this matter, we do not ourselves adopt any of the issues proposed by Television Montana. Thus, the burden of proof on all issues will be on Protestant. We have revised issues 1, 2, 3, 4, 5, and 7, suggested by the Protestant, in the manner hereinafter set forth. The revisions are, in our opinion, necessary in order to eliminate unwarranted conclusionary statements in the issues and to develop, in an orderly way, a proper and complete record. We have eliminated Protestant's issue 6 for the reason that there is no allegation of any kind in the protest to support or raise such an issue. (Cf. Oklahoma Quality Broadcasting Co. Docket No. 13200, Memorandum Opinion and Order, September 23, 1959, FCC 59–993, Mimeo No. 78092.)

10. The final question to be determined is whether we should stay the effectiveness of the contested grants pending a determination of the proceeding. In this connection, we note that Montana-Idaho presently serves CATV systems in the cities of Livingston and Bozeman, Montana,[5] as well as television station KGHL–TV in Billings, Montana. KGHL–TV is dependent upon the services of Montana-Idaho in order that the television station may have a direct connection to rebroadcast live and contemporaneous NBC network programs. Additionally, television station KWRB–TV at Thermopolis, Wyoming is, in turn, dependent upon station KGHL–TV as a source of delivery of the same programs which it simultaneously re-broadcasts by off-the-air pick-up from KGHL–TV. Montana-Idaho contemplates serving an additional CATV in Dillon, Montana in the future. None of the customers of Montana-Idaho, nor stations KWRB–TV or KGHL–TV, is in any way, directly or indirectly, affiliated with Montana-Idaho except the CATV at Bozeman. The latter organization is inter-related with Montana-Idaho by virtue of the fact that there is substantial interlocking and controlling ownership in both organizations. As indicated above, Protestant's television station is located in Butte, Montana. Bozeman is more than 70 air miles distant from Butte and had a 1950 census population of 11,325; Livingston is about 100 miles away and had a 1950 census population of 7,683; television station KGHL–TV is over 200 miles away; and television station KWRB–TV is over 278 miles away. Billings, Montana (served by KGHL–TV) had a 1950 census population of 31,384. TV Market Book, August 1959, shows 48,700 TV homes in this station's service area. Thermopolis, Wyoming (served by KWRB–TV) had a 1950 census population of 2,870. This station also serves Riverton, Wyoming with a 1950 census population of 4,142. The Nielsen survey of spring 1958 shows 5,000 homes in the KWRB–TV service area viewing TV at least 3 times per week. Bozeman and Dillon are within the Grade B contour of station KXLF–TV. Livingston is outside the Grade B contour of station KXLF–TV. The relocation of station KXLF–TV's transmitter at its present mountain top site increased the population it is able to serve by 192,790 persons, according to its statement (see paragraph 2 of protest). Additionally, it claims to serve about 73,287 persons in and around Butte. Protestant claims that the aggregate population of Bozeman, Dillon and Livingston now "may well be in the range of 30,000". Assuming that all of the alleged 30,000 persons did not view KXLF–TV because of the availability of CATV service fed by the microwave relay of Montana-Idaho (a conclusion which is unlikely and unrealistic), the population thus lost would be 15.2 percent of the increase of 192,790 persons claimed by KXLF–TV by virtue of the relocation of its antenna, and the loss would be 11.3 percent of the total population allegedly served. On the other hand, denial of the availability of the microwave relay service to the CATV's and to the television broadcasters presently dependent upon it would deprive the public of Bozeman, Dillon, Livingston, Billings, Thermopolis and Riverton of all live national network program service, as well as any choice of services outside the so-called Skyline Network and would, it is alleged, possibly jeopardize the continued operation of television stations KGHL–TV at Billings and KWRB–TV at Thermopolis (see attachment B to Opposition to Protest and Petition for Reconsideration filed by Montana-Idaho). The aggregate population adversely affected by cessation of the service in Billings, Thermopolis and Riverton alone would exceed the 30,000 figure speculated by Television Montana. In these circumstances, the Commission affirmatively finds that the public interest requires that the protested grants remain in effect pending the Commission's decision herein after hearing.

CONCLUSION

11. In view of the foregoing: *It is ordered,* That the Protest and Petition for Reconsideration of Television Montana is granted to the extent herein provided, and denied in all other respects; and that, pursuant to the provisions of section 309(c) of the Communications Act of 1934, as amended, a hearing be held herein at the offices of the Com-

[5] These cities are now getting, on the CATV cable, signals of the so-called Skyline Network, a regional network including stations KOOK (Billings), KXLF (Butte), KLIX (Twin Falls), KID (Idaho Falls), and KFBB (Great Falls), the programs of which are alleged to be almost all identical and not presenting any substantial choice of selection.

mission in Washington, D.C., at a time and date to be hereafter announced, on the following issues:

(a) To determine the nature and extent of any adverse effect which the grant of the applications herein will have upon the operation of Television Montana's station KXLF-TV at Butte, Montana.

(b) To determine the effect which the grant of the applications will have upon the development of local television broadcasting in the area afforded access to the instant microwave relay service.

(c) To determine whether Applicant is a communication common carrier within the meaning of the Communications Act of 1934, as amended.

(d) To determine the nature and extent of the relationships between the Applicant, its stockholders and directors, and its present and proposed customers, and the officers, stockholders and directors of such customers.

(e) To determine whether the conclusions set forth in paragraphs 45 through 51 and 58 through 79 of the Report and Order in Docket No. 12443, as applied in this case, are in error.

(f) To determine whether the grant of the applications is consistent with the provisions of the Communications Act of 1934, as amended, in light of the determinations made on the foregoing issues.

(g) To determine whether, in the light of the determinations made upon the foregoing issues, the public interest, convenience or necessity would be served by a grant of these applications.

12. *It is further ordered,* That Television Montana shall have the burden of proof on all the foregoing issues, but Applicant shall have the burden of going forward on issue (d).

13. *It is further ordered,* That Montana-Idaho Microwave, Inc. is authorized to continue to construct and utilize the facilities which are the subject of the applications contested herein, pending the Commission's final decision in this matter after hearing, and subject to such final decision.

14. *It is further ordered,* That the Protestant and Applicant herein, the Chief, Common Carrier Bureau and Chief, Broadcast Bureau, are hereby made parties to this proceeding; and that each party intending to participate in the hearing shall file a notice of appearance not later than November 30, 1959.

Adopted: November 12, 1959.

Released: November 17, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-9833; Filed, Nov. 19, 1959; 8:48 a.m.]

[Docket Nos. 13171, 13172; FCC 59M-1524]

HOWELL B. PHILLIPS AND WMCV, INC.

Order Continuing Hearing Conference

In re applications of Howell B. Phillips, Williamsburg, Kentucky, Docket No. 13171, File No. BP-11832; WMCV, Inc., Tompkinsville, Kentucky, Docket No. 13172, File No. BP-12825; for construction permits.

The Hearing Examiner having under consideration an informal request for a short continuance of the prehearing conference now scheduled for November 16, 1959;

It appearing that Howell B. Phillips has advised the Examiner that he does not intend to appear and that the parties are in the process of reaching an agreement for dismissal of the Phillips application;

It is ordered, This 13th day of November 1959, that the prehearing conference is continued from November 16 to November 19, 1959, at 9:30 a.m.

Released: November 16, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary,

[F.R. Doc. 59-9834; Filed, Nov. 19, 1959; 8:48 a.m.]

[Docket Nos. 12957-12959; FCC 59M-1526]

PIONEER BROADCASTING CO. ET AL.

Order Continuing Hearing

In re applications of Pioneer Broadcasting Company, Spanish Fork, Utah, Docket No. 12957, File No. BP-11678; Jack E. Falvey and Harry Saxe, d/b as Fortune Broadcasting, Salt Lake City, Utah, Docket No. 12958, File No. BP-12239; United Broadcasting Company (KVOG), Ogden, Utah, Docket No. 12959, File No. BP-12260; for construction permits.

The Hearing Examiner having under consideration a petition for postponement of various procedural dates, filed by United Broadcasting Company on November 12, 1959;

It appearing that counsel for all parties have agreed to the postponement requested;

It is ordered, This 13th day of November 1959, that the above petition is granted, and the dates designated for various procedural steps herein are postponed as follows:

Date for reply to petition for enlargement of issues filed by Pioneer Broadcasting Co.: From Nov. 12, 1959, to Nov. 27, 1959.

Date for preliminary exchange of information: From Nov. 16, 1959, to Nov. 30, 1959.

Date for exchange of exhibits constituting direct cases of applicants: From Nov. 25, 1959, to Dec. 9, 1959.

It is further ordered, On the Hearing Examiner's own motion, that the hearing herein, presently scheduled for December 14, 1959, is continued to December 17, 1959, at 2:00 p.m.

Released: November 16, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-9835; Filed, Nov. 19, 1959; 8:49 a.m.]

[Docket No. 12782; FCC 59-1161]

STUDY OF RADIO AND TELEVISION NETWORK BROADCASTING

Order for Public Proceeding

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 16th day of November 1959:

Whereas, on November 9, 1959, the Commission amended and enlarged its Order herein to determine, among other things, whether the general standards heretofore laid down by the Commission for the guidance of broadcast licensees in the selection of programs and other material intended for broadcast are currently adequate; whether the Commission should, by the exercise of its rule making power, set out more detailed and precise standards for such broadcasters; whether the Commission's present review and consideration in the field of program and advertising are adequate, under present conditions in the broadcast industry; and whether the Commission's authority under the Communications Act of 1934, as amended, is adequate, or whether legislation should be recommended to Congress; and

Whereas the Commission has deemed it in the public interest to hold a public proceeding to enable it to receive comments and suggestions from organizations and individuals who have a contribution to make to this study; and

Whereas the Commission is desirous of obtaining as broad an informational base as possible in aid of its general consideration of the program and advertising aspects of broadcasting.

Now therefore, it is ordered, That the initial public proceeding be convened before this Commission commencing on December 7, 1959, at 10 a.m. at the offices of the Commission in Washington, D.C., to hear comments and suggestions and receive information and data from persons and organizations who are interested in and who may have a contribution to make to the Commission's overall consideration of the field of radio and television programing and advertising and the proper relationship to and authority of the Commission in these areas. Such comments, suggestions, information and data should be directed to the following questions:

1. Whether and the extent to which policies and practices being pursued by some broadcast licensees in the field of programming and advertising are inimical to the public interest;

2. Whether and the extent to which the general standards heretofore laid down by the Commission for the guidance of broadcast licensees in the selection and broadcast of programs and other material to the public are adequate in view of the changed and changing conditions in the broadcast industry;

3. Whether and the extent to which the Commission should, by the exercise of its rule-making power, set out more detailed and precise standards for the guidance of broadcasters in the exercise of their responsibility;

4. Whether and the extent to which the Commission's present policies and procedures in the review and consideration of the performance of its broadcast licensees in the field of programming and advertising is adequate, in view of the greatly increased number of such licensees; and

5. Whether the Commission's authority under the Communications Act of 1934, as amended, is adequate for these purposes or whether legislation should be recommended to the Congress.

Interested persons and organizations who wish to present comments, suggestions, information and data to the Commission at such public proceeding should notify the Secretary of the Commission in writing on or before November 25, 1959, of their desire to appear and, in general, the nature and extent of the comments, suggestions, information and data they wish to present.

Released: November 16, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-9836; Filed, Nov. 19, 1959; 8:49 a.m.]

[Docket Nos. 12991, 12992; FCC 59M-1527]

SUBURBAN BROADCASTING CO., INC. AND CAMDEN BROADCASTING CO.

Order Following Prehearing Conference

In re applications of Suburban Broadcasting Company, Inc., Mount Kisco, New York, Docket No. 12991, File No. BPH-2620; Donald Jerome Lewis, tr/as Camden Broadcasting Co., Newark, New Jersey, Docket No. 12992, File No. BPH-2624; for construction permits for new FM broadcast stations.

Pursuant to agreements reached and rulings made on the record of November 12, 1959, at a prehearing conference in the above-entitled matter: *It is ordered,* This 13th day of November 1959, that the following time schedule shall govern the future conduct of this proceeding:

1. On January 12, 1960, there shall be a preliminary exchange among the parties of all data relating to the engineering issues involved;

2. On January 19, 1960, there shall be an informal conference among the parties for the purpose of discussing the engineering data exchanged on January 12, 1960;

3. On February 2, 1960, there shall be a formal exchange of exhibits, both engineering and non-engineering, in final form; and

4. On February 15, 1960, hearing shall commence in the offices of the Commission, Washington, D.C.

Released: November 16, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-9837; Filed, Nov. 19, 1959; 8:49 a.m.]

[Docket No. 12904; FCC 59M-1525]

WMAX, INC. (WMAX)

Order Continuing Hearing

In re application of WMAX, Inc. (WMAX), Grand Rapids, Mich., Docket No. 12904, File No. BP-11744; for construction permit.

The Hearing Examiner having under consideration motion for continuance filed by Roger S. Underhill (WIOS) on November 12, 1959;

It appearing that counsel for all other participating parties have consented to immediate consideration and grant of the motion;

It is ordered, This 13th day of November 1959, that the above motion is granted; and the hearing now scheduled for November 17, 1959 is continued until December 17, 1959, at 10:00 a.m.

Released: November 16, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-9838; Filed, Nov. 19, 1959; 8:49 a.m.]

FEDERAL POWER COMMISSION

[Docket No. G-19134]

COASTAL TRANSMISSION CORP.

Notice of Application and Date of Hearing

NOVEMBER 13, 1959.

Take notice that on August 3, 1959, Coastal Transmission Corporation (Applicant) filed in Docket No. G-19134 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of unspecified supply lateral facilities to enable Applicant to take into its certificated main transmission pipeline system from time to time prior to July 1, 1960, natural gas which will be purchased from producers in the general area of Applicant's existing transmission system, at a total cost not in excess of $1,000,000, with the total cost of any single project not to exceed $250,000, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The purpose of this "budget-type" application is to augment Applicant's ability to act with reasonable dispatch in securing by contract and connecting to its pipeline system new supplies of natural gas in various producing areas generally coextensive with said system.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on December 15, 1959, at 9:30 a.m., e.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before December 4, 1959. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 59-9816; Filed, Nov. 19, 1959; 8:46 a.m.]

[Docket No. G-19394]

COLORADO INTERSTATE GAS CO.

Notice of Application and Date of Hearing

NOVEMBER 13, 1959.

Colorado Interstate Gas Company (Applicant) filed an application on September 8, 1959, for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act authorizing the construction and operation of natural gas facilities as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open to public inspection.

Applicant seeks authority to construct and operate a 2,000-horsepower compressor station, a metering station and approximately 7 miles of 18 inch pipeline extending from its existing Sanford Compressor Station in a southeasterly direction to terminate at the proposed compressor station to be located in Section 28, Block Y, all in Hutchinson County, Texas, in order to receive approximately 20,000 Mcf daily of natural gas produced in the Panhandle field, Hutchinson County, Texas, from J. M. Huber Corporation.

The estimated initial costs of the proposed facilities is $1,123,662, which will be financed from working funds on hand.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on December 22, 1959, at 9:30 a.m., e.s.t., in a Hearing Room of the Federal Power

Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before December 10, 1959. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 59-9817; Filed, Nov. 19, 1959; 8:46 a.m.]

[Docket No. G-18972]

CRESCENT PRODUCTION CO., INC.

Notice of Application and Date of Hearing

NOVEMBER 13, 1959.

Take notice that on June 12, 1959, Crescent Production Company, Inc. (Applicant) filed in Docket No. G-18972 an application pursuant to section 7(b) of the Natural Gas Act for permission and approval to abandon natural gas service to Interstate Natural Gas Company, Incorporated (now Olin Gas Transmission Corporation) from certain acreage in the Sicily Island Field, Catahoula Parish, Louisiana, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The subject service is covered by a gas sales contract dated July 1, 1950, between Applicant, as seller, and Interstate (now Olin), as buyer, on file with the Commission as Crescent Production Company, Inc., FPC Gas Rate Schedule No. 12, as supplemented. Notice of cancellation of said rate schedule, submitted concurrently with the application herein, has been accepted for filing and designated as Supplement No. 2 to Crescent Production Company, Inc., FPC Gas Rate Schedule No. 12.

Applicant was authorized to render the subject service on May 21, 1956, in Docket No. G-5985.

Applicant states that the supply of natural gas from the acreage involved is depleted to the extent that continuance of service is unwarranted and impossible, and the wells thereon have been abandoned.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on December 10, 1959, at 9:30 a.m., e.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before December 4, 1959. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 59-9818; Filed, Nov. 19, 1959; 8:46 a.m.]

[Docket No. G-20074]

IROQUOIS GAS CORP.

Order Suspending Revised Tariff Sheet and Providing for Hearing

NOVEMBER 13, 1959.

Iroquois Gas Corporation (Iroquois on September 22, 1959, tendered for filing Third Revised Sheet No. 4 to its FPC Gas Tariff, Original Volume No. 1 proposing an annual rate increase of $12,248, or 13.7 percent, based on actual sales to Eden Gas and Fuel Company (Eden), its only wholesale firm service, nonaffiliated customer for the test year ended July 31, 1959. Iroquois requests that the proposed tariff sheet be allowed to take effect on November 15, 1959.

In support of the proposed rate increase, Iroquois states that the increased rate is necessary because Eden has been purchasing increased quantities of gas at present rates since August 26, 1944, while the costs of purchased gas, supplies, and labor have greatly increased. Iroquois also submitted a cost study based on the test year ended July 31, 1959, adjusted to annualize increased costs of purchased gas, labor, and employee benefits which occurred during the test year. The company claimed a 6 percent rate of return and claimed associated income taxes reflecting a saving through Iroquois' filing of a consolidated tax return with its affiliates. Costs related to production, storage, and transmission functions are allocated to jurisdictional business on the basis of actual test year sales adjusted to eliminate Iroquois' sales to its two affiliated customers, United Natural Gas Company and Pennsylvania Gas Company, under its FPC Gas Rate Schedule X-2. The company claims a total cost of service of $46,227,038 of which $101,484 is allocated to the jurisdictional gas sale to Eden.

The income taxes claimed require further investigation. Additionally the increased purchased gas costs reflect suppliers' rates which are in effect subject to investigation and possible refund.

The increased rate and charge provided for in the revised tariff sheet tendered by Iroquois on September 22, 1959, has not been shown to be justified and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a public hearing concerning the lawfulness of the rate, charge, classification, and service contained in Iroquois' FPC Gas Tariff, Original Volume No. 1 as proposed to be amended by Third Revised Sheet No. 4, and that said proposed revised tariff sheet and the rate contained therein be suspended and the use thereof deferred as hereinafter provided.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I) a public hearing be held on a date to be fixed by notice from the Secretary concerning the lawfulness of the rate, charge, classification and service contained in Iroquois' FPC Gas Tariff, Original Volume No. 1 as proposed to be amended by Third Revised Sheet No. 4.

(B) Pending such hearing and decision thereon Third Revised Sheet No. 4 to Iroquois' FPC Gas Tariff Original Volume No. 1 is suspended and the use thereof deferred until April 15, 1960, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Interested State commissions may participate as provided by §§ 1.8 and 1.37(f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37(f)).

By the Commission.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 59-9819; Filed, Nov. 19, 1959; 8:46 a.m.]

DEPARTMENT OF COMMERCE

Office of the Secretary

ARTHUR W. McKINNEY

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as re-

ported in the FEDERAL REGISTER of the last six months:

A. Deletions: No change.
B. Additions: No change.

This statement is made as of November 8, 1959.

ARTHUR W. MCKINNEY.

NOVEMBER 10, 1959.

[F.R. Doc. 59-9839; Filed, Nov. 19, 1959; 8:49 a.m.]

GEORGE A. SANDS

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER of the last six months:

A. Deletions: No change.
B. Additions: No change.

This statement is made as of November 9, 1959.

GEORGE A. SANDS.

NOVEMBER 9, 1959.

[F.R. Doc. 59-9840; Filed, Nov. 19, 1959; 8:49 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-3833]

SOUTHERN SERVICES, INC.

Notice of Proposed Intrasystem Issuance and Sale of Common Stock by Mutual Service Company

NOVEMBER 13, 1959.

Notice is hereby given that Southern Services, Inc. ("Services"), the mutual service company for the holding company system of The Southern Company, a registered holding company, has filed with this Commission a declaration pursuant to the Public Utility Holding Company Act of 1935 ("Act"), and has designated sections 6(a) and 7 of the Act and rules 43, 50(a)(4) and 40(b) thereunder as applicable to the proposed transactions which are summarized as follows:

Services proposes to issue 2,500 shares of its capital stock, par value of $50 per share, and to sell such shares at par to four operating subsidiaries of Southern as follows: Alabama Power Company, 963 shares, Georgia Power Company, 1,192 shares, Gulf Power Company, 156 shares and Mississippi Power Company, 189 shares.

The presently outstanding 6,000 shares of capital stock of Services are owned by the above-named operating subsidiaries in approximately the same ratio as their respective electric revenues for the year 1957 and after the proposed sale Services' outstanding capital stock will be owned approximately in the ratios of the electric revenues of the four operating subsidiaries for the twelve months ended September 30, 1959.

The net proceeds from the proposed sale amounting to $125,000 will be used to supplement Services' working capital, which, at September 30, 1959 amounted to $330,579. This combined amount ($455,579) is less than 1½ times the expenses for September 1959.

The estimated fees and expenses to be paid in connection with the proposed transactions aggregate $475.

It is represented that the proposed transactions are not subject to the jurisdiction of any State or Federal commission, other than this Commission.

Notice is further given that any interested person may, not later than November 25, 1959, at 5:30 p.m., request the Commission in writing that a hearing be held on such matters stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by the declaration which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D.C. At any time after said date, the declaration, as filed or as it may be amended, may be permitted to become effective as provided in rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from its rules as provided in rules 20(a) and 100 or take such other action as it may deem appropriate.

By the Commission.

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

[F.R. Doc. 59-9824; Filed, Nov. 19, 1959; 8:47 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 224]

MOTOR CARRIER TRANSFER PROCEEDINGS

NOVEMBER 17, 1959.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC 62456. By order of November 13, 1959, the Transfer Board approved the transfer to N. J. Mabon, doing business as Diffley Truck Line, 124 Van Buren Street, Topeka, Kans., of Certificate No. MC 59227, issued September 20, 1955, to J. H. Diffley, doing business as Diffley Truck Line, 615 Jewell Street, Topeka, Kans., authorizing the transportation of: General commodities, excluding household goods, commodities in bulk, and other specified commodities, between Topeka, Kans., and Manhattan, Kans., serving all intermediate points on U.S. Highway 24, and the off-route point of Louisville, Kans.

No. MC-FC 62459. By order of November 13, 1959, the Transfer Board approved the transfer to S. M. Fisher and R. Clair Kauffman, a partnership, doing business as Graham's Moving & Transfer Service, Ronks, Pa., of Certificate in No. MC 102784, issued March 24, 1958, to S. M. Fisher, Earl M. Steffy, and Harold Byers, a partnership, doing business as Graham's Moving and Transfer Service, Ronks, Pa., authorizing the transportation of: Fertilizer, from Baltimore, Md., to points in Pa., and Curtis Bay, Md., cabbage, from points in Chester and Lancaster Counties, Pa., to Baltimore, Md., farm machinery, equipment, and parts thereof, from points in Ohio to Ronks, Pa., fertilizer, manufactured, from Paulsboro, N.J., to Morgantown, Pa., flour from Intercourse, Pa., to Wilmington, Del., Baltimore, Md., and Camden and Trenton, N.J., general commodities (including household goods) with certain exceptions from points in Lancaster County, Pa. to New Market, Md., rejected shipments of immediately above-specified commodities from New Market, Md., to points in Lancaster County, Pa., hay and straw from points in Pa., to New Market, Md., lumber from New Market, Md., to points in Lancaster County, Pa., and potatoes from points in Lancaster County, Pa., to Baltimore, Md., and Washington, D.C.

No. MC-FC 62560. By order of November 13, 1959, the Transfer Board approved the transfer to Midwest Moving Service, a corporation, Des Moines, Iowa, of Certificate in No. MC 48396, issued March 17, 1950, to C. L. Nicholas, doing business as Des Moines Transfer & Storage, Des Moines, Iowa, authorizing the transportation of household goods between points in Iowa, on the one hand, and, on the other, points in Illinois, Missouri, Nebraska, and Minnesota; between Des Moines, Iowa, on the one hand, and, on the other points in Illinois, Indiana, Kansas, Colorado, Missouri, Minnesota, Nebraska, and Wisconsin; and between points in Hardin County, Iowa, on the one hand, and, on the other, points in Illinois, Iowa, Kansas, Minnesota, Nebraska, North Dakota, and South Dakota. William A. Landau, 1307 East Walnut Street, Des Moines, Iowa.

No. MC-FC 62627. By order of November 13, 1959, the Transfer Board approved the transfer to William H. Thomson, doing business as Thomson Truck Line, Clinton, Ind., of Certificates Nos. MC 31002 and MC 31002 Sub 2, issued April 26, 1941, and September 28, 1951, respectively, in the name of Jack Thomson and James Thomson, a partnership, doing business as Thomson Truck Line, Clinton, Ind., authorizing the transportation of general commodities, excluding household goods and com-

modities in bulk, and other specified commodities, over a regular route, between Terre Haute, Ind., and Dana, Ind. Service is authorized to and from all intermediate points and the off-route point of Universal, Ind.; and between Terre Haute, Ind., and Clinton, Ind., with service authorized to and from all intermediate points except those on U.S. Highways 40 and 150 and to and from the off-route point of the site of the Wabash Station of the Public Service Company of Indiana, Inc. E. P. Zell, Jr., 312 South Main Street, P.O. Box 177, Clinton, Ind.

No. MC–FC 62670. By order of November 13, 1959, the Transfer Board approved the transfer to Curles Movers, Inc., Hyattsville, Md., of Certificate No. MC 45663, issued January 6, 1955, to Richard E. Smith, doing business as Curles Movers, Hyattsville, Md., authorizing the transportation of: Household goods, as defined by the Commission, between Washington, D.C., Annapolis, Md., and points in Maryland and Virginia within 20 miles of Washington, D.C.; between Washington, D.C., Annapolis, Md., and points in Maryland and Virginia within 20 miles of Washington, D.C., on the one hand, and, on the other, points in Connecticut, Delaware, Florida, Georgia, Indiana, Maryland, Massachusetts, Michigan, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Virginia, and West Virginia; between Washington, D.C., on the one hand, and, on the other, points in Illinois and Kentucky; between Annapolis, Md., Washington, D.C., and points within 20 miles of Washington, D.C., on the one hand, and, on the other, points in Ohio, and between Washington, D.C., on the one hand, and, on the other, points in Maryland and Virginia within 125 miles of Washington, D.C. S. Harrison Kahn, 1110–14 Investment Building, Washington, D.C., for applicants.

No. MC–FC 62678. By order of November 13, 1959, the Transfer Board approved the transfer to Manning Warehouse Company, a corporation, Portland, Oreg., of a Certificate in No. MC 18338 issued January 20, 1950, to H. W. Danskin, doing business as Manning Warehouse Company, Portland, Oreg., authorizing the transportation of household goods, as defined by the Commission, and general commodities, excluding commodities in bulk and other specified commodities, between points within three miles of Portland, Oreg., including Portland. Earle V. White, Fifth Avenue Building, 2130 Southwest Fifth Avenue, Portland 1, Oreg.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 59-9831; Filed, Nov. 19, 1959; 8:48 a.m.]

CUMULATIVE CODIFICATION GUIDE—NOVEMBER

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